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Description of document: Maritime Administration (MARAD) Report from each investigation of sexual assault at the US Merchant Marine Academy 2018-2021

Requested date: 16-June-2021

Release date: 27-October-2021
Release date: 12-May-2023

Posted date: 07-November-2022
Updated: 10-July-2023

Note: Material released 2023 starts on PDF page 428

Source of document: FOIA Request
Division of Legislation and Regulations
U.S. Department of Transportation
Maritime Administration
Second Floor, West Building
1200 New Jersey Ave., SE, W24-233
Washington, DC 20590
Fax: (202) 366-7485
Email: FOIA.Marad@dot.gov

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U.S. Department
of Transportation
**MARITIME
ADMINISTRATION**

1200 New Jersey Avenue, S.E.
Second Floor, West Building
W24-220 Mailstop #4
Washington, D.C. 20590

T. Mitchell Hudson, Jr., FOIA Officer
(202) 366-5320
Ann Herchenrider, FOIA Public Liaison
(202) 366-5165

FOIA Service Center
(202) 366-2666
Facsimile: (202) 366-7485
Toll free: (800) 996-2723, Press "0"
Email address: FOIA.MARAD@dot.gov

VIA EMAIL

October 27, 2021

Control No. 21-0069-FOIA

This is in response to your June 16, 2021 request under the Freedom of Information Act (FOIA) pursuant to 5 U.S.C. § 552. You requested a copy of the following records:

A copy of the report from each investigation regarding sexual assault at the US Merchant Marine Academy. You may limit this request to the time frame January 1, 2018 to the present. You may omit from the scope of this request the Reports on Sexual Harassment at the United States Merchant Marine Academy, which are posted on the MARAD electronic reading room.

We are now releasing 424 pages of records. This release of records represents the agency's final response to include all records located and determined to be responsive to your request. The redacted content has been determined by this office to be exempt from the FOIA's mandatory disclosure requirements as described immediately below.

Exemption (b)(6) of the FOIA encompasses "personnel and medical files and similar files" where the disclosure of the material "would constitute a clearly unwarranted invasion of personal privacy." Specifically, the material that has been redacted is information pertaining to another individual other than the requester.

There are no charges associated with this request.

You have a right to appeal. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter. The appeal should be sent to foia.marad@dot.gov or mailed to the following address:

Maritime Administration
Freedom of Information Act Appeal
1200 New Jersey Avenue, SE
Second Floor, West Building
Room W24-220, Mailstop #4
Washington, DC 20590

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch Hudson", written in a cursive style.

T. Mitchell Hudson, Jr.
Freedom of Information Act Officer

Enclosure

MEMORANDUM FOR RECORD

19 June 2020

TO: Deputy Superintendent

USMMA, Kings Point, NY

FROM: Jeffery M. Thomas

Department of Public Safety

USMMA, Kings Point, NY

Background:

(b)(6) (complainant) is a (b)(6) Midshipman at the United States Merchant Marine Academy, she is assigned to (b)(6) Midshipman (b)(6) initially reported to the Sexual Assault Response Coordinator Mr. Eric Alleyne that she is a victim of a Sexual Assault by Midshipman (b)(6) and wanted to bring this to the attention of her Chain of Command as she feels threatened by his actions and is concerned about the safety of other females.

An Academy "No Contact Directive" was issued by the Commandant on 14 June 20 to (b)(6) (b)(6)

I, Jeffery M. Thomas met with complainant (b)(6) on 14 June 20 at approximately 1305 in the Office of Public Safety, (b)(6) was not accompanied by anyone and stated that she was comfortable making a statement without an advocate present. The complainant, (b)(6)

(b)(6)

Investigative Procedures:

14 June 20 - Administrative investigation addressing the complaint of (b)(6) began with interviews of the following:

(b)(6)

Advised of Complainants Rights 14 June 20

Interviewed 14 June 20

Interviewed 14 June 20

Interviewed 14 June 20

Advised of Accused Rights 14 June 20

Interviewed 14 June 20

15 – 18 June: Preparing Victim, Witness and Respondent statements.

16 – 18 June: Statements reviewed and signed.

19 June – Documents prepared, case reviewed and submitted to Deputy Superintendent RDML Dunlap.

Interim Measures:

All Midshipman were advised to not discuss the investigation with anyone other than the Academy Leadership, Legal Advisor, Public Safety, Licensed Counselor or the Chaplain.

Academy No Contact Directive issued to Midshipman (b)(6) on 14 June 20.

Investigative Summary:

Midshipman (b)(6) reported to this office that she was the victim of a sexual assault

(b)(6)

(b)(6)

Investigative Findings:

The Midshipman listed should be considered for violation of Academy Policy:

(b)(6)

1. Superintendent Instruction 2018-04 (Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy)
 - a. Paragraph 5.a.(1)
 - b. Paragraph 5.f
2. Midshipman Regulation (dated 16 May 2018)
 - a. Chapter 3 (Standards of Conduct)
 - i. 3.12 (1,a) (1,h) (Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Sexual Exploitation)

Attachments:

1. (b)(6)
 - a. Appendix A, United States Merchant Marine Academy, Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman. (dated 14 June 20)
 - b. Statement of (b)(6) (dated 14 June 20) (reviewed and signed 16 June 20)
 - c. No Contact Directive, (b)(6) (dated 14 June 20)
 - d. (b)(6)
2. (b)(6)
 - a. Appendix B, United States Merchant Marine Academy, Rights of Midshipman Accused of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking. (dated 14 June 20)
 - b. Statement of (b)(6) (dated 14 June 20) (reviewed and signed 18 June 20)
 - c. No Contact Directive (b)(6) (dated 14 June 20)
 - d. (b)(6)

Appendix A
United States Merchant Marine Academy
Rights of Individuals Complaining of Sexual Assault,
Sexual or Gender-Based Harassment,
Relationship Violence, or Stalking by a Midshipman

1. You have the right to a prompt, fair, and impartial investigation, and appropriate resolution, of your complaint. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from your complaint. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to be informed of your options to notify law enforcement authorities, and the option to be assisted by Academy personnel in notifying such authorities. This includes, at your option, the right not to report your complaint to law enforcement authorities.
4. You have the right to not have irrelevant prior sexual history admitted as evidence in any hearing pertaining to your complaint.
5. You have the right to make an impact statement during Phase II of any hearing, if such hearing proceeds to Phase II.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from your complaint.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from your complaint, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Respondent or anyone else at the Academy for making a complaint. If you believe you have been retaliated against for doing so, you should immediately make a report. Similarly, you must not harass or retaliate against the Respondent or anyone else involved in the investigation.
9. You have the right to have your name and all information related to your complaint kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of your complaint are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible. Discussing the investigation outside of official Academy channels may result in disciplinary action.
10. You have all the other rights for Complainants set out in the following Academy policies: Superintendent Instruction 2018-04, *Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy* and Superintendent Instruction 2018-05, *Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Against Midshipmen*.

I, (b)(6) (print name), acknowledge receipt of this document and copies of the policies listed in Paragraph 10 above.

Sig

(b)(6)

6/14/20
Date

Appendix B
United States Merchant Marine Academy
Rights of Midshipmen Accused of Sexual Assault,
Sexual or Gender-Based Harassment,
Relationship Violence, or Stalking

1. You have the right to be notified of the complaint against you, and of a prompt, fair, and impartial investigation, and appropriate resolution, of it. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from the complaint against you. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to refrain from making self-incriminating statements. However, the Academy will make a determination of responsibility based on the information available to it.
4. You have the right to know the potential sanctions that may be imposed against you if you are found responsible for the complaint against you, which include all the disciplinary sanctions for a Class I violation set forth in the Midshipman Regulations, up to and including disenrollment.
5. You have the right to not have irrelevant prior sexual history admitted as evidence in any hearing pertaining to the complaint against you.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from the complaint against you.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from the complaint against you, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Complainant or anyone else at the Academy as a result of the allegations made against you. If you believe you have been retaliated against, you should immediately make a report. Similarly, you must not harass or retaliate against the Complainant or anyone else involved in the investigation.
9. You have the right to have your name and all information related to the complaint against you kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of the complaint against you are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible. Discussing the investigation outside of official Academy channels may result in disciplinary action.
10. You have all the other rights for Respondents set out in the following Academy policies: Superintendent Instruction 2018-04, *Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy* and Superintendent Instruction 2018-05, *Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Against Midshipmen*.

I, _____ (print name), acknowledge receipt of this document and copies of the policies listed in Paragraph 10, above.

Signature

Date

STATEMENT OF (b)(6)

14 June 2020, Midshipman (b)(6) is identified as a victim. She was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was provided Appendix A, Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman, which she read, stated she understood and signed, acknowledging receipt. (b)(6) was advised that her statement is voluntary, that she may choose to not answer any question and at any time, she may terminate the interview. She was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. She was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 14 June 20.

(b)(6)

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(b)(6)

6/16/20



UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

14 June 2020

From: Commandant of Midshipmen

To: Midn [REDACTED] (b)(6)

Subj: NO CONTACT DIRECTIVE

1. I write to inform you that I have issued a No Contact Directive whereby neither you nor Midn [REDACTED] (b)(6) may have any contact with each other, in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at Academy-sponsored events, and/or through the use of Academy resources (including electronic). You may not engage in indirect communication, including via social media, a third party (unless authorized by me), or any other means. You must refrain from any form of harassment, retaliation, or intimidating behavior. If at any time either one of you feels the need to communicate with the other, you may do so only through me or through a third party explicitly authorized by me.
2. Furthermore, you must make a concerted effort to avoid any close proximity to Midn [REDACTED] (b)(6) as follows:
 - a. In areas where neither of you is required to be present, if one of you arrives first, the other must leave.
 - b. In areas where you are both required to be present, you must avoid sitting near the other.
 - c. In areas where their presence is required and yours is not, you may not be present.
 - d. In areas where your presence is required and theirs is not, they may not be present.
3. Midn [REDACTED] (b)(6) has received the same instructions as you find throughout this letter. This No Contact Directive will remain in effect until such time as I inform you that I have modified or revoked it.
4. This directive is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing. No Contact Directives do not, in and of themselves, become part of your permanent Academy record. However, it is very important that you understand and abide by the above stated conditions, since an infringement of this directive may result in disciplinary consequences. This may include revising the directive such that responsibility to avoid the other party falls exclusively on the party found responsible for violating the directive.
5. If you have any questions now or in the future regarding the No Contact Directive, you may contact me directly. If you are requesting review and/or medication of this directive, you should contact the Deputy Superintendent's office.

Mikel E. Stroud
CAPT USMS

Office of the Commandant



**UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699**

From: MIDN [redacted] (b)(6)
To: Commandant of Midshipman

Subj: NO CONTACT DIRECTIVE

I am in receipt of No Contact Directive dated 14 June 2020 and understand this is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing.

I acknowledge the terms set forth in this directive and my responsibility to abide by them, and the consequences should I fail to do so.

[redacted]
(b)(6)

6/14/20
Date

Office of the Commandant

300 Steamboat Road, Kings Point, NY 11024 | 561-726-5659 | www.USMMA.edu

Thomas, Jeffery

From: [REDACTED] (b)(6) @midshipman.usmma.edu>
Sent: Tuesday, June 16, 2020 12:53 AM
To: Thomas, Jeffery
Subject: RE: [REDACTED] (b)(6)
Attachments: [REDACTED] (b)(6)

[REDACTED] (b)(6)

Very respectfully,

MIDN [REDACTED] (b)(6)

From: Thomas, Jeffery <ThomasJ@USMMA.EDU>

Sent: Monday, June 15, 2020 9:49 PM

To: [REDACTED] (b)(6) @midshipman.usmma.edu>

Subject: [REDACTED] (b)(6)

[REDACTED] (b)(6)

thank you.

r/Jeff Thomas

Jeffery M. Thomas
Director of Public Safety
U.S. Merchant Marine Academy
(b)(6) 516-726-S846
(C) [REDACTED] (b)(6)
Email: ThomasJ@USMMA.EDU

(b)(6)

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Appendix B
United States Merchant Marine Academy
Rights of Midshipmen Accused of Sexual Assault,
Sexual or Gender-Based Harassment,
Relationship Violence, or Stalking

1. You have the right to be notified of the complaint against you, and of a prompt, fair, and impartial investigation, and appropriate resolution, of it. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from the complaint against you. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to refrain from making self-incriminating statements. However, the Academy will make a determination of responsibility based on the information available to it.
4. You have the right to know the potential sanctions that may be imposed against you if you are found responsible for the complaint against you, which include all the disciplinary sanctions for a Class I violation set forth in the Midshipman Regulations, up to and including disenrollment.
5. You have the right to not have irrelevant prior sexual history admitted as evidence in any hearing pertaining to the complaint against you.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from the complaint against you.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from the complaint against you, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Complainant or anyone else at the Academy as a result of the allegations made against you. If you believe you have been retaliated against, you should immediately make a report. Similarly, you must not harass or retaliate against the Complainant or anyone else involved in the investigation.
9. You have the right to have your name and all information related to the complaint against you kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of the complaint against you are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible. Discussing the investigation outside of official Academy channels may result in disciplinary action.
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I, (b)(6) (print name), acknowledge receipt of this document and
copies of the policies listed in Paragraph 10, above.

(b)(6) 5/14/2020
Date

Appendix A
United States Merchant Marine Academy
Rights of Individuals Complaining of Sexual Assault,
Sexual or Gender-Based Harassment,
Relationship Violence, or Stalking by a Midshipman

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3. You have the right to be informed of your options to notify law enforcement authorities, and the option to be assisted by Academy personnel in notifying such authorities. This includes, at your option, the right not to report your complaint to law enforcement authorities.
4. You have the right to not have irrelevant prior sexual history admitted as evidence in any hearing pertaining to your complaint.
5. You have the right to make an impact statement during Phase II of any hearing, if such hearing proceeds to Phase II.
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I, _____ (print name), acknowledge receipt of this document and copies of the policies listed in Paragraph 10, above.

Signature

Date

STATEMENT OF (b)(6)

14 June 20, Midshipman (b)(6) is identified as the accused. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was provided Appendix B, Rights of Individuals Accused of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman, which he read, stated he understood and signed, acknowledging receipt. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time, he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 14 June 20.

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UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

14 June 2020

From: Commandant of Midshipmen

To: Midn [REDACTED] (b)(6)

Subj: NO CONTACT DIRECTIVE

1. I write to inform you that I have issued a No Contact Directive whereby neither you nor Midn [REDACTED] (b)(6) may have any contact with each other, in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at Academy-sponsored events, and/or through the use of Academy resources (including electronic). You may not engage in indirect communication, including via social media, a third party (unless authorized by me), or any other means. You must refrain from any form of harassment, retaliation, or intimidating behavior. If at any time either one of you feels the need to communicate with the other, you may do so only through me or through a third party explicitly authorized by me.
2. Furthermore, you must make a concerted effort to avoid any close proximity to Midn [REDACTED] (b)(6) as follows:
 - a. In areas where neither of you is required to be present, if one of you arrives first, the other must leave.
 - b. In areas where you are both required to be present, you must avoid sitting near the other.
 - c. In areas where their presence is required and yours is not, you may not be present.
 - d. In areas where your presence is required and theirs is not, they may not be present.
3. Midn [REDACTED] (b)(6) has received the same instructions as you find throughout this letter. This No Contact Directive will remain in effect until such time as I inform you that I have modified or revoked it.
4. This directive is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing. No Contact Directives do not, in and of themselves, become part of your permanent Academy record. However, it is very important that you understand and abide by the above stated conditions, since an infringement of this directive may result in disciplinary consequences. This may include revising the directive such that responsibility to avoid the other party falls exclusively on the party found responsible for violating the directive.
5. If you have any questions now or in the future regarding the No Contact Directive, you may contact me directly. If you are requesting review and/or modification of this directive, you should contact the Deputy Superintendent's office.

Mikel E. Stroud
CAPT USMS

Office of the Commandant



UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

From: MIDN [REDACTED] (b)(6)
To: Commandant of Midshipman

Subj: NO CONTACT DIRECTIVE

I am in receipt of No Contact Directive dated 14 June 2020 and understand this is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing.

I acknowledge the terms set forth in this directive and my responsibility to abide by them, and the consequences should I fail to do so.

[REDACTED]
(b)(6)

6/14/2020
Date

Office of the Commandant

300 Steamboat Road, Kings Point, NY 11024 | 561-726-5659 | www.USMMA.edu

Thomas, Jeffery

From: [REDACTED] (b)(6) @midshipman.usmma.edu>
Sent: Tuesday, June 16, 2020 7:14 AM
To: Thomas, Jeffery
Subject: Re: [REDACTED] (b)(6)

[REDACTED] (b)(6)

(b)(6)

(b)(6)

From: Thomas, Jeffery <thomasj@usmma.edu>

Sent: Monday, June 15, 2020 9:50 PM

To: (b)(6)

Subject: (b)(6)

Thomas,

(b)(6)

r/Jeff Thomas

Jeffery M. Thomas
Director of Public Safety
U.S. Merchant Marine Academy
(O) 516-726-5846
(C) (b)(6)
Email: ThomasJ@USMMA.EDU

MEMORANDUM FOR RECORD

TO: Deputy Superintendent
USMMA, Kings Point, NY

FROM: Jeffery M. Thomas
Department of Public Safety
USMMA, Kings Point, NY

Background:

(b)(6) (complainant) is a (b)(6) Midshipman at the United States Merchant Marine Academy, she is assigned to (b)(6) Midshipman (b)(6) initially reported to her Chain of Command that she feels she is a victim of dating violence and harassment by Midshipman (b)(6) (b)(6) and wanted to file an unrestricted report. Midshipman (b)(6) previously reported this behavior to (b)(6) An "Academy Restrictive Order" was issued by the Commandant on 16 Apr 19.

I, Jeffery M. Thomas met with complainant on 24 July 19 at approximately 1445 in the Office of Public Safety, (b)(6) was asked if she would like an advocate present, which she declined. The complainant stated

(b)(6)

Investigative Procedures:

24 July 19 - Administrative investigation addressing the complaint of (b)(6) began with interviews of the following:

(b)(6)

Advised of Complainants Rights 24 Jul 19

Interviewed 24 Jul 19

Interviewed 25 Jul 19

Interviewed 25 Jul 19

Advised of Accused Rights 26 Jul 19

Requested an Advisor 26 Jul 19

Interviewed 16 Aug 19

26 Jul 19 – Secured documents printed by (b)(6) (from LT Baranski) in relation to her complaint
27 Jul thru 04 Aug 19 – Public Safety Officer Jeffery Thomas out of the local area on scheduled leave
09 Aug 19 – Email (b)(6) informing him of interview on 14 Aug 19
09 Aug 19 – Received email from (b)(6) requesting interview 16 Aug 19, concur.
14 Aug 19 – Received email from (b)(6) requesting to move interview time from 0800 to 1500hrs, concur.
19 – 23 Aug 19 – Preparing Victim, Witness and Accused statements.
23 Aug 19 – (b)(6) statements reviewed and signed.
26 Aug 19 – (b)(6) statement reviewed and signed.
26 Aug 19 – Documents prepared, case reviewed and submitted to Deputy Superintendent RDML Dunlap.

Interim Measures:

All Midshipman were advised to not discuss the investigation with anyone other than the Academy Leadership, Legal Advisor, Public Safety, Licensed Counselor or the Chaplain.

Academy Restrictive Order issued to Midshipman (b)(6) 16 April 19

No Contact Directive issued to Midshipman (b)(6) 25 Jul 19.

No Contact Directive issued to Midshipman (b)(6) 25 Jul 19.

Class schedule changed to reduce possibility of exposure to each other.

Investigative Summary:

(b)(6)

(b)(6)

(b)(6)

Investigative Findings:

The Midshipman listed should be considered for violation of Academy Policy:

(b)(6)

1. Superintendent Instruction 2018-04 (Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy)
 - a. Paragraph 5.c.(2)
2. Midshipman Regulation (dated 16 May 2018)
 - a. Chapter 3.7 (Midshipman Safety and Conduct), paragraph 4.d (Midshipman Safety and Conduct)

- b. Chapter 3.12 (Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Sexual Exploitation), 1.e.2

Attachments:

1. (b)(6)
 - a. Appendix A, United States Merchant Marine Academy, Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman. (dated 24 Jul 19)
 - b. Statement of (b)(6) (dated 24 Jul 19, reviewed and signed 23 Aug 19)
 - c.

(b)(6)
 - d. Recording of (b)(6) interview (24 Jul 19)
 - e. No Contact Directive, (b)(6) (dated 25 Jul 19)
2. (b)(6)
 - a. Statement of (b)(6) (dated 25 Jul 19) (reviewed and signed 26 Aug 19)
 - b. Recording of (b)(6) interview (25 Jul 19)
3. (b)(6)
 - a. Statement of (b)(6) (dated 25 Jul 19) (reviewed and signed 23 Aug 19)
 - b. Recording of (b)(6) interview (25 Jul 19)
4. (b)(6)
 - a. Appendix B, United States Merchant Marine Academy, Rights of Midshipman Accused of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking. (dated 26 Jul 19)
 - b. Statement of (b)(6) (dated 16 Aug 19, reviewed and signed 23 Aug 19)

- c. Recording of [REDACTED] (b)(6) (dated 16 Aug 19)
- d. Academy Restrictive Order, [REDACTED] (b)(6) (dated 16 Apr 19)
- e. No Contact Directive, [REDACTED] (b)(6) (dated 25 Jul 19)

Appendix A

United States Merchant Marine Academy

Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman

1. You have the right to a prompt, fair and impartial investigation, and appropriate resolution, of your complaint. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from your complaint. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to be informed of your options to notify law enforcement authorities, and the option to be assisted by Academy personnel in notifying such authorities. This includes, at your option, the right not to report your complaint to law enforcement authorities.
4. You have the right to not have [irrelevant] prior sexual history admitted as evidence in any hearing pertaining to your complaint.
5. You have the right to make an impact statement during Phase II of any hearing, if such hearing proceeds to Phase II.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from your complaint.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from your complaint, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Respondent or anyone else at the Academy for making a complaint. If you believe you have been retaliated against for doing so, you should immediately notify the SAPRO Director/SARC. Similarly, you must not harass or retaliate against the Respondent or anyone else involved in the investigation.
9. You have the right to have your name and all information related to your complaint kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of your complaint are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible.
10. You have all the other rights for Complainants set out in the following Academy policies: [list policies]

I, (b)(6) (print name), acknowledge receipt of this document and copies of the policies listed in Paragraph 10, above.

Signature

(b)(6)

Date

7/24/19

STATEMENT OF (b)(6)

24 Jul 2019, Midshipman (b)(6) is identified as a victim. She was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was provided Appendix A, Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman, which she read, stated she understood and signed, acknowledging receipt. (b)(6) was advised that her statement is completely voluntary, that she may choose to not answer any question and at any time she may terminate the interview. She was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. She was advised that the conversation is confidential and should not be discussed with outside parties.

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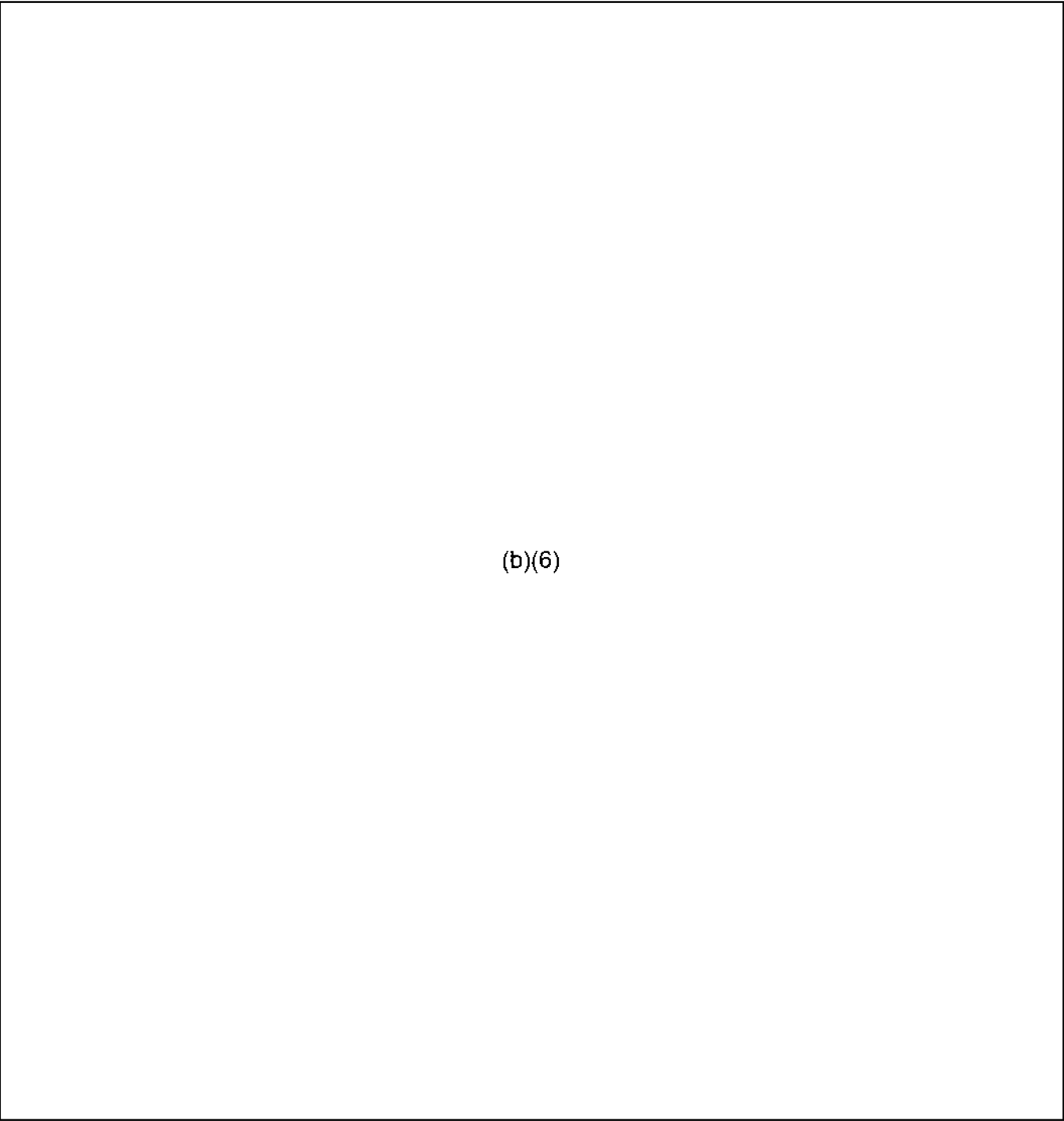
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8/23/2019



Appendix B

United States Merchant Marine Academy

Rights of Midshipmen Accused of Sexual Assault,
Sexual or Gender-Based Harassment,
Relationship Violence, or Stalking

1. You have the right to be notified of the complaint against you, and of a prompt, fair and impartial investigation, and appropriate resolution, of it. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from the complaint against you. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to refrain from making self-incriminating statements. However, the Academy will make a determination of responsibility based on the information available to it.
4. You have the right to know the potential sanctions that may be imposed against you if you are found responsible for the complaint against you, which include all the disciplinary sanction for a Class I violation set forth in the Midshipman Regulations, up to and including disenrollment.
5. You have the right to not have [irrelevant] prior sexual history admitted as evidence in any hearing pertaining to the complaint against you.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from the complaint against you.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from the complaint against you, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Complainant or anyone else at the Academy as a result of the allegations made against you. If you believe you have been retaliated against, you should immediately notify [whom]. Similarly, you must not harass or retaliate against the Complainant or anyone else involved in the investigation.
9. You have the right to have your name and all information related to the complaint against you kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of the complaint against you are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible.
10. You have all the other rights for Respondents set out in the following Academy policies: [list policies]

I.	(b)(6)	(print name), acknowledge receipt of this document and
c	(b)(6)	in Paragraph 10, above.
S	(b)(6)	Date <u>7-26-19</u>
		(b)(6)

STATEMENT OF (b)(6)

16 Aug 2019, Midshipman (b)(6) is identified as the accused. He was interviewed in the Office of Public Safety with Advisor (Professor Michael Ales) present, the interview was recorded. (b)(6) was advised that his statement is completely voluntary, that he may choose to not answer any question and at any time he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties.

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8-23-19

STATEMENT OF (b)(6)

25 Jul 2019, Midshipman (b)(6) is identified as a witness. She was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that her statement is completely voluntary, that she may choose to not answer any question and at any time she may terminate the interview. She was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. She was advised that the conversation is confidential and should not be discussed with outside parties.

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8/23/2019

STATEMENT OF (b)(6)

25 Jul 2019, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is completely voluntary, that he may choose to not answer any question and at any time he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties.

(b)(6)

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(b)(6)

(b)(6)

8-26-19

(b)(6)



UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

16 April 2019

From: Deputy Commandant of Midshipmen

To: (b)(6)

Subj: ACADEMY RESTRICTIVE ORDER

1. Effective immediately, and until future notice, you are prohibited from initiating any contact or communication with (b)(6) either directly or through a third party. For purposes of this order, "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone (including text messaging), in writing by letter, fax, or electronic mail, via social media, including Facebook, Twitter, Skype or any other social medium. You are to make every effort to avoid any contact with (b)(6) both on and off campus.

2. If (b)(6) initiates any contact or communication with you, you are required to immediately notify me or the Deputy Commandant regarding the facts and circumstances surrounding the contact.

3. The conditions established by this order apply around the clock, and in every setting. Conditions do not expire when you are outside the confines of the Academy, established in paragraph 202 of the MIDSHIPMEN REGULATIONS. If and when these conditions change, I will notify you, by written correspondence.

Mikel E. Stroud
CAPT USMS

I acknowledge receipt of this letter and understand the contents.

(b)(6)



UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

25 Jul 2019

From: Commandant of Midshipmen

To: Midn [REDACTED] (b)(6)

Subj: NO CONTACT DIRECTIVE

1. As discussed, I write to inform you that I have issued a No Contact Directive whereby neither you nor Midn [REDACTED] (b)(6) may have any contact with each other, in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at Academy-sponsored events, and/or through the use of Academy resources (including electronic). You may not engage in indirect communication, including via social media, a third party (unless authorized by me), or any other means. You must refrain from any form of harassment, retaliation, or intimidating behavior. If at any time either one of you feels the need to communicate with the other, you may do so only through me or through a third party explicitly authorized by me.
2. Furthermore, you must make a concerted effort to avoid any close proximity to Midn [REDACTED] (b)(6) as follows:
 - a. In areas where neither of you is required to be present, if one of you arrives first, the other must leave.
 - b. In areas where you are both required to be present, you must avoid sitting near the other.
 - c. In areas where their presence is required and yours is not, you may not be present.
 - d. In areas where your presence is required and theirs is not, they may not be present.
3. Midn [REDACTED] (b)(6) has received the same instructions as you find throughout this letter. This No Contact Directive will remain in effect until such time as I inform you that I have modified or revoked it.
4. This directive is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing. No Contact Directives do not, in and of themselves, become part of your permanent Academy record. However, it is very important that you understand and abide by the above stated conditions, since an infringement of this directive may result in disciplinary consequences. This may include revising the directive such that responsibility to avoid the other party falls exclusively on the party found responsible for violating the directive.
5. If you have any questions now or in the future regarding the No Contact Directive, you may contact me directly. If you are requesting review and/or modification of this directive, you should contact the Deputy Superintendent's office.

A handwritten signature in black ink, appearing to read "Mikel E. Stroud".

Mikel E. Stroud
CAPT USMS

Office of the Commandant



UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

25 Jul 2019

From: Commandant of Midshipmen

To: Midn [REDACTED] (b)(6)

Subj: NO CONTACT DIRECTIVE

1. As discussed, I write to inform you that I have issued a No Contact Directive whereby neither you nor Midn [REDACTED] (b)(6) may have any contact with each other, in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at Academy-sponsored events, and/or through the use of Academy resources (including electronic). You may not engage in indirect communication, including via social media, a third party (unless authorized by me), or any other means. You must refrain from any form of harassment, retaliation, or intimidating behavior. If at any time either one of you feels the need to communicate with the other, you may do so only through me or through a third party explicitly authorized by me.
2. Furthermore, you must make a concerted effort to avoid any close proximity to Midn [REDACTED] (b)(6) as follows:
 - a. In areas where neither of you is required to be present, if one of you arrives first, the other must leave.
 - b. In areas where you are both required to be present, you must avoid sitting near the other.
 - c. In areas where their presence is required and yours is not, you may not be present.
 - d. In areas where your presence is required and theirs is not, they may not be present.
3. Midn [REDACTED] (b)(6) has received the same instructions as you find throughout this letter. This No Contact Directive will remain in effect until such time as I inform you that I have modified or revoked it.
4. This directive is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing. No Contact Directives do not, in and of themselves, become part of your permanent Academy record. However, it is very important that you understand and abide by the above stated conditions, since an infringement of this directive may result in disciplinary consequences. This may include revising the directive such that responsibility to avoid the other party falls exclusively on the party found responsible for violating the directive.
5. If you have any questions now or in the future regarding the No Contact Directive, you may contact me directly. If you are requesting review and/or modification of this directive, you should contact the Deputy Superintendent's office.

Mikel E. Stroud
CAPT USMS

Office of the Commandant

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(b)(6)

MEMORANDUM FOR RECORD

TO: Deputy Superintendent
USMMA, Kings Point, NY

FROM: Jeffery M. Thomas
Department of Public Safety
USMMA, Kings Point, NY

Background:

(b)(6)

Investigative Procedures:

08 Oct 19 – RDML Dunlap returned the investigation and directed that I look into the new information (text copies) provided by Midshipman (b)(6)

08 Oct 19 – Coordinated with the Commandants Office to determine who (b)(6)
(b)(6)

08 Oct 19 – Coordinated with Shipboard Training to contact Midshipman (b)(6)

08 Oct 19 – Contacted Midshipman (b)(6)

09 Oct 19 – Interview Midshipman (b)(6) in Public Safety

10 Oct 19 – Midshipman (b)(6) contacted this office for telephonic interview

10 Oct 19 – Coordinated with Shipboard Training to meet with Midshipman (b)(6)

10 Oct 19 – Attempted contact with Midshipman (b)(6) negative results

11 Oct thru 14 Oct 19 – Public Safety Officer Jeffery Thomas out of the local area on scheduled leave

16 Oct 19 – Academy Counsel coordinated with (b)(6) attorney an interview for 18 Oct 19

17 Oct 19 – Email (b)(6) informing him of interview on 18 Aug 19

18 Oct 19 – Interview WELTZHEIMER with attorney ((Mr. Shaun Hogan) present

21 Oct 19 – Documents prepared, case reviewed and submitted to Deputy Superintendent RDML Dunlap.

Interim Measures:

No additional interim measures.

Investigative Summary:

(b)(6)

Investigative Findings:

Midshipman (b)(6) may have violated Midshipman Regulations

(b)(6)

Attachments:

Three pages of text messages

(b)(6)

(b)(6)

(b)(6)

MEMORANDUM FOR RECORD

13 Feb 2020

TO: Deputy Superintendent
USMMA, Kings Point, NY

FROM: Jeffery M. Thomas
Department of Public Safety
USMMA, Kings Point, NY

Background:

(b)(6) (complainant) is a (b)(6) Midshipman at the United States Merchant Marine Academy, he is assigned to (b)(6) Midshipman (b)(6) initially reported to his Midshipman Chain of Command of an incident that occurred during the (b)(6) school year involving himself and Midshipman (b)(6). Complaint was received in the Office of Public Safety while (b)(6) was completing Sea Year requirements, investigation was on hold until Midshipman returned to begin investigatory process.

I, Jeffery M. Thomas met with complainant on 22 Nov 19 at approximately 1415 in the Office of Public Safety, the complainant stated

(b)(6)

Investigative Procedures:

22 Nov 19 - Administrative investigation addressing the complaint of (b)(6) began with interviews of the following:

(b)(6)

Advised of Complainants Rights 22 Nov 19

Interviewed 22 Nov 19

Coach (b)(6) Athletics

Interviewed 25 Nov 19

Interviewed 04 Dec 19

Interviewed 13 Dec 19

Interviewed 13 Dec 19

Interviewed 16 Dec 19

(b)(6)

(b)(6)

Interviewed 16 Dec 19

Interviewed 17 Dec 19

Interviewed 20 Dec 19

Advised of Accused Rights 20 Dec 19

Interviewed 20 Dec 19

27 Nov – 01 Dec 19 – Thanksgiving break.

20 Dec 19 – 05 Jan 20 – Christmas break.

20 Dec 19 – 06 Feb 20 – Preparing Victim, Witness and Accused statements.

06 Feb - 13 Feb 20 – Documents prepared, case reviewed and submitted to Deputy Superintendent RDML Dunlap

Interim Measures:

All Midshipman were advised to not discuss the investigation with anyone other than the Academy Leadership, Legal Advisor, Public Safety, Licensed Counselor or the Chaplain.

A No Contact Directive was issued to Midshipman (b)(6) on 20 Dec 20 to not have any type of contact with (b)(6)

Investigative Summary:

It was reported to the Office of Public Safety that

(b)(6)

(b)(6)

(b)(6)

Investigative Findings:

(b)(6)

The Midshipman listed should be considered for violation of Academy Policy:

(b)(6)

1. Superintendent Instruction 2018-04 (Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy)
 - a. Paragraph 5.b.(4)
2. Midshipman Regulations (Superintendent Instruction 2018-07, Midshipman Regulations) (dated 27 June 2018)
 - a. Chapter 3 (Standards of Conduct)
 - i. 3.7 (4d) (Physical Violence/Intimidating Behavior)
 - ii. 3.7 (5a) (Disrespectful and Profane Language)
 - iii. 3.8 (b) Hazing and Bullying
 - iv. 3.12 (1c, d) (Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Sexual Exploitation)

Attachments:

1. (b)(6)
 - a. Appendix A, United States Merchant Marine Academy, Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman. (dated 22 Nov 19)
 - b. Statement of (b)(6) (dated 22 Nov 19) (reviewed and signed 07 Feb 20)
2. (b)(6)
 - a. Statement of (b)(6) (dated 04 Dec 19) (reviewed and signed 07 Feb 20)

3. (b)(6)
 - a. Statement of (b)(6) (dated 13 Dec 19) (reviewed and signed 10 Feb 20)
4. (b)(6)
 - a. Statement of (b)(6) (dated 13 Dec 19) (reviewed and signed 03 Feb 20)
5. (b)(6)
 - a. Statement of (b)(6) (dated 16 Dec 19) (reviewed and signed 31 Jan 20)
6. (b)(6)
 - a. Statement of (b)(6) (dated 16 Dec 19) (reviewed and signed 30 Jan 20)
7. (b)(6)
 - a. Statement of (b)(6) (dated 17 Dec 19) (not reviewed or signed, sent two notifications)
8. (b)(6)
 - a. Statement of (b)(6) (dated 20 Dec 19) (not reviewed or signed, sent notification)
9. (b)(6)
 - a. Appendix B, United States Merchant Marine Academy, Rights of Midshipman Accused of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking. (dated 20 Dec 19)
 - b. Statement of (b)(6) (dated 20 Dec 19) (reviewed and signed: Refused to review and sign, provided copy of statement to review and consult with his advisor on 06 Feb 20)
 - c. No Contact Directive (dated 20 Dec 19)
10. (b)(6) Weingarten Rights Form
11. Statement of (b)(6) taken by Midshipman (b)(6) 13 pages, dated 28 Sep 2019.
12. Captains synopsis of incidents, 2 pages
13. Coach (b)(6) notes, 2 pages
14. (b)(6)
15. (b)(6)

Appendix A
United States Merchant Marine Academy
Rights of Individuals Complaining of Sexual Assault,
Sexual or Gender-Based Harassment,
Relationship Violence, or Stalking by a Midshipman

1. You have the right to a prompt, fair, and impartial investigation, and appropriate resolution, of your complaint. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from your complaint. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to be informed of your options to notify law enforcement authorities, and the option to be assisted by Academy personnel in notifying such authorities. This includes, at your option, the right not to report your complaint to law enforcement authorities.
4. You have the right to not have irrelevant prior sexual history admitted as evidence in any hearing pertaining to your complaint.
5. You have the right to make an impact statement during Phase II of any hearing, if such hearing proceeds to Phase II.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from your complaint.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from your complaint, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Respondent or anyone else at the Academy for making a complaint. If you believe you have been retaliated against for doing so, you should immediately make a report. Similarly, you must not harass or retaliate against the Respondent or anyone else involved in the investigation.
9. You have the right to have your name and all information related to your complaint kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of your complaint are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible. Discussing the investigation outside of official Academy channels may result in disciplinary action.
10. You have all the other rights for Complainants set out in the following Academy policies: Superintendent Instruction 2018-04, *Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy* and Superintendent Instruction 2018-05, *Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Against Midshipmen*.

I, (b)(6) (print name), acknowledge receipt of this document and copies of (b)(6) paragraph 10, above.

Signature (b)(6) 11/22/18
Date

STATEMENT OF (b)(6)

22 Nov 2019, Midshipman (b)(6) is identified as a victim. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was provided Appendix A, Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman, which he read, stated he understood and signed, acknowledging receipt. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time, he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 22 Nov 19.

(b)(6)

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STATEMENT OF (b)(6)

04 Dec 2019, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 04 Dec 2019.

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STATEMENT OF (b)(6)

13 Dec 2019, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 13 Dec 2019.

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STATEMENT OF (b)(6)

13 Dec 2019, Midshipman (b)(6) is identified as a witness. She was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that her statement is voluntary, that she may choose to not answer any question and at any time she may terminate the interview. She was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. She was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 13 Dec 2019.

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STATEMENT OF (b)(6)

16 Dec 2019, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 16 Dec 2019.

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01/31/2020

STATEMENT OF (b)(6)

16 Dec 2019, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 16 Dec 2019.

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STATEMENT OF (b)(6)

17 Dec 2019, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 17 Dec 2019.

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STATEMENT OF (b)(6)

20 Dec 2019, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 20 Dec 2019.

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Appendix B
United States Merchant Marine Academy
Rights of Midshipmen Accused of Sexual Assault,
Sexual or Gender-Based Harassment,
Relationship Violence, or Stalking

1. You have the right to be notified of the complaint against you, and of a prompt, fair, and impartial investigation, and appropriate resolution, of it. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from the complaint against you. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to refrain from making self-incriminating statements. However, the Academy will make a determination of responsibility based on the information available to it.
4. You have the right to know the potential sanctions that may be imposed against you if you are found responsible for the complaint against you, which include all the disciplinary sanctions for a Class I violation set forth in the Midshipman Regulations, up to and including disenrollment.
5. You have the right to not have irrelevant prior sexual history admitted as evidence in any hearing pertaining to the complaint against you.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from the complaint against you.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from the complaint against you, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Complainant or anyone else at the Academy as a result of the allegations made against you. If you believe you have been retaliated against, you should immediately make a report. Similarly, you must not harass or retaliate against the Complainant or anyone else involved in the investigation.
9. You have the right to have your name and all information related to the complaint against you kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of the complaint against you are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible. Discussing the investigation outside of official Academy channels may result in disciplinary action.
10. You have all the other rights for Respondents set out in the following Academy policies: Superintendent Instruction 2018-04, *Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy* and Superintendent Instruction 2018-05, *Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Against Midshipmen*.

1. co Sig	(b)(6)		(print name), acknowledge receipt of this document and above.
	(b)(6)		<div style="text-align: center;"><u>11 Dec 14</u> Date</div>

STATEMENT OF (b)(6)

20 Dec 2019, Midshipman (b)(6) is identified as the accused. He was interviewed in the Office of Public Safety with Advisor ((b)(6) Attorney) present, the interview was recorded. (b)(6) was advised that his statement is completely voluntary, that he may choose to not answer any question and at any time he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties.

(b)(6)

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(b)(6)



UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

Dear MIDN (b)(6)

December 20, 2019

I write to inform you that I have issued a No Contact Directive whereby you may not have any contact with MIDN (b)(6), MIDN (b)(6), and MIDN (b)(6) in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at Academy-sponsored events, and/or through the use of Academy resources (including electronic). You may not engage in indirect communication, including via social media, a third party (unless authorized by me), or any other means. You must also refrain from any form of harassment, retaliation, or intimidating behavior. If at any time you feel the need to communicate with the others, you may do so only through me or through a third party explicitly authorized by me.

Furthermore, you must make a concerted effort to avoid any close proximity to the other parties, as follows:

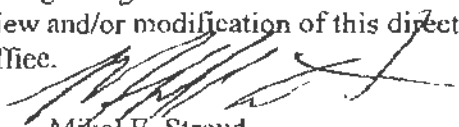
- In areas where none of you are required to be present, if one of you arrives first, the other must leave.
- In areas where you are all required to be present, you must each avoid sitting near the others.
- In areas where their presence is required and yours is not, you may not be present.
- In areas where your presence is required and theirs is not, they may not be present.

Finally, you are reminded that discussing any investigation outside of official Academy channels may result in disciplinary action. The other parties have received the same instructions as you find throughout this letter.

This No Contact Directive will remain in effect unless I inform you that I have modified or revoked it.

This Directive is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by any party as retaliatory, intimidating, or harassing. No Contact Directives do not, in and of themselves, become part of your permanent Academy record. However, it is very important that you understand and abide by the above stated conditions, since an infringement of this directive may result in disciplinary consequences. This may include revising the directive such that responsibility to avoid the other parties falls exclusively on the party found responsible for violating the directive.

If you have any questions now or in the future regarding the No Contact Directive, you may contact me directly. If you are requesting review and/or modification of this directive, you should contact the Deputy Superintendent's office.


Mikel E. Stroud
CAPT USMS
Commandant of Midshipmen

I acknowledge that I have received and understand the requirements of this No Contact Directive.

(b)(6)

Name

(b)(6)

Date

12/20/2019

WEINGARTEN RIGHTS FORM

Weingarten Rights are mandated by law, and materialized from an actual case (National Labor Relations Board vs. J. Weingarten, Inc.) decided by the U.S. Supreme Court in 1975. The rights announced by the Court are as follows:

Employees have the right to request that a representative be present at any investigatory meeting when the employee reasonably believes that disciplinary action might result from the investigation.

PROCESS

1. The employee may request a representative prior to the meeting or at anytime during the meeting.
2. If the meeting is delayed or interrupted at the employee's request for a representative, then the meeting and subsequent questions should end and one of the following decisions must be reached:
 - Re-schedule the meeting to allow a representative to attend. A reasonable time period should be allowed.
 - Move forward with the investigation and take appropriate action without information from the employee.
 - Inform the employee that he/she has a choice to either voluntarily give up his/her rights to a representative and meet, or the meeting may or may not be re-scheduled and the employee's information not considered in the investigation.

REPRESENTATIVE'S ROLE

1. A representative, if requested, must be given the opportunity to meet with the employee prior to the meeting.
2. During the meeting, a representative may ask for clarification of questions, but may not tell the employee what to say.
3. Employee/Representative may request to consult in private during this meeting.

INVOKEMENT OF WEINGARTEN RIGHTS

- ☒ I choose to invoke my Weingarten Rights and request that a representative be present at the investigatory meeting.
- ☐ I do not request to invoke my Weingarten Rights.

ACKNOWLEDGEMENT OF RECEIPT OF YOUR WEINGARTEN RIGHTS

I, (b)(6), have had full opportunity to read and consider the contents of this form, and I understand that, by signing this form, I am confirming the receipt of my Weingarten Rights, as described in this form.

Signature:

(b)(6)

Date: 11/24/17

YOU ARE ENTITLED TO A COPY OF THIS FORM AFTER YOU SIGN IT.

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CAPTAINS SYNOPSIS OF INCIDENTS

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NOTES

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The information contained in this communication from the United States Merchant Marine Academy Department of Public Safety Office may be sensitive or privileged and is intended for the sole use of the USMMA Deputy Superintendent. If you are not an intended recipient of this transmission, you are prohibited from disseminating, distributing, copying or using the information. If you have received these documents in error, please immediately contact the Department of Public Safety at 516-726-5846 to arrange for the return of this information.

2MEMORANDUM FOR RECORD

06 Nov 2020

TO: Deputy Superintendent
USMMA, Kings Point, NY

FROM: Jeffery M. Thomas
Department of Public Safety
USMMA, Kings Point, NY

Background:

On 05 Oct 20, it was reported that (b)(6) Midshipman at the United States Merchant Marine Academy, assigned to (b)(6) initially filed a Restricted Report on 29 June 2020 for Sexual Assault.

I met with complainant (b)(6) on 07 Oct 20, at approximately 1111, in the Office of Public Safety. (b)(6) was accompanied by, Midshipman (b)(6) to provide her statement. The complainant, (b)(6) stated

(b)(6)

Investigative Procedures:

07 Oct 20 - Administrative investigation addressing the complaint of (b)(6) began with interviews of the following:

(b)(6)

Advised of Complainants Rights on 07 Oct 20
Interviewed on 07 Oct, 08 Oct, and 19 Oct 20
Interviewed 22 Oct 20
Interviewed 29 Oct 20
Interviewed 29 Oct 20
Interviewed 29 Oct 20
Not interviewed, at sea, provided statement 30 Oct 20
Advised of Accused Rights on 30 Oct 20
Interviewed 30 Oct 20

19 Oct – 05 Nov: Preparing Victim, Witness and Respondent statements.

4-6 Nov: Statements reviewed and signed.

6 Nov: Documents prepared, case reviewed and submitted to Deputy Superintendent RDML Dunlap.

Interim Measures:

All Midshipman were advised to not discuss the investigation with anyone other than the Academy Leadership, Legal Advisor, Public Safety, Licensed Counselor or the Chaplain.

An Academy "No Contact Directive" was issued by the Commandant on 29 Oct 20 to (b)(6) and (b)(6) and 30 Oct to (b)(6)

Investigative Summary:

(b)(6)

(b)(6)

Investigative Findings:

The Midshipman listed should be considered for violation of Academy Policy:

(b)(6)

1. Superintendent Instruction 2018-04 (Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy)
 - a. Paragraph 5.a.(1)
 - b. Paragraph 5.f
2. Midshipman Regulation (dated 16 May 2018)
 - a. Chapter 3 (Standards of Conduct)
 - i. 3.12 (1,a) (1,h) (Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Sexual Exploitation)

Attachments:

1. (b)(6)
 - a. Appendix A, United States Merchant Marine Academy, Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman. (dated 07 Oct 20)
 - b. Appendix E, United States Merchant Marine Academy, Voluntary Consent to Disclose Information under the Privacy Act of 1974. (dated 07 Oct 20)
 - c. Statement of (b)(6) (dated 07 Oct 20) (reviewed and signed 04 Nov 20)
 - d. No Contact Directive, (b)(6) (dated 29 Oct 20)
 - e. Restricted Report Sexual Assault 2019-20USMMARR06-05 (dated 29 June 20)
 - f.

(b)(6)

2. (b)(6)
 - a. Appendix E, United States Merchant Marine Academy, Voluntary Consent to Disclose Information under the Privacy Act of 1974. (dated 22 Oct 20)
 - b. Statement of (b)(6) (dated 22 Oct 20) (reviewed and signed 06 Nov 20)
 - c. No Contact Directive, (b)(6) (dated 29 Oct 20)

3. (b)(6)
 - a. Appendix E, United States Merchant Marine Academy, Voluntary Consent to Disclose Information under the Privacy Act of 1974. (dated 29 Oct 20)

4. (b)(6)
 - a. Appendix E, United States Merchant Marine Academy, Voluntary Consent to Disclose Information under the Privacy Act of 1974. (dated 29 Oct 20)
 - b. Statement of (b)(6) (dated 29 Oct 20) (reviewed and signed 04 Nov 20)

5. (b)(6)
 - a. Appendix E, United States Merchant Marine Academy, Voluntary Consent to Disclose Information under the Privacy Act of 1974. (dated 29 Oct 20)
 - b. Statement of (b)(6) (dated 29 Oct 20) (reviewed and signed 04 Nov 20)
6. (b)(6)
 - a. Appendix E, United States Merchant Marine Academy, Voluntary Consent to Disclose Information under the Privacy Act of 1974. (dated 30 Oct 20)
 - b. Statement of (b)(6) (dated 30 Oct 20)
7. (b)(6)
 - a. Appendix B, United States Merchant Marine Academy, Rights of Midshipman Accused of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking. (dated 30 Oct 20)
 - b. Appendix E, United States Merchant Marine Academy, Voluntary Consent to Disclose Information under the Privacy Act of 1974. (dated 30 Oct 20)
 - c. Statement of (b)(6) (dated 30 Oct 20) (reviewed and signed 05 Nov 20)
 - d. No Contact Directive, (b)(6) (dated 30 Oct 20)

Appendix A
United States Merchant Marine Academy
Rights of Individuals Complaining of Sexual Assault,
Sexual or Gender-Based Harassment,
Relationship Violence, or Stalking by a Midshipman

1. You have the right to a prompt, fair, and impartial investigation, and appropriate resolution, of your complaint. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from your complaint. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to be informed of your options to notify law enforcement authorities, and the option to be assisted by Academy personnel in notifying such authorities. This includes, at your option, the right not to report your complaint to law enforcement authorities.
4. You have the right to not have irrelevant prior sexual history admitted as evidence in any hearing pertaining to your complaint.
5. You have the right to make an impact statement during Phase II of any hearing, if such hearing proceeds to Phase II.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from your complaint.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from your complaint, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Respondent or anyone else at the Academy for making a complaint. If you believe you have been retaliated against for doing so, you should immediately make a report. Similarly, you must not harass or retaliate against the Respondent or anyone else involved in the investigation.
9. You have the right to have your name and all information related to your complaint kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of your complaint are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible. Discussing the investigation outside of official Academy channels may result in disciplinary action.
10. You have all the other rights for Complainants set out in the following Academy policies: Superintendent Instruction 2018-04, *Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy* and Superintendent Instruction 2018-05, *Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Against Midshipmen*.

I,
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(b)(6)

print name), acknowledge receipt of this document and
e.

Date

10/07/2020



Appendix E
UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NY



Voluntary Consent to Disclose Midshipmen Information under the Privacy Act of 1974, as amended, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Federal Educational Rights and Privacy Act of 1974 (FERPA) to the extent applicable by law.

PRINT NAME:

(b)(6)		
Student's Last Name	First Name	Middle Initial

I hereby authorize the United States Merchant Marine Academy (USMMA) to disclose the contents of my interview conducted on 10/07/2020 (date) during the course of an administrative investigation, including any Personally Identifiable Information (PII) contained therein, to Academy officials for the sole purpose of resolving the complaint for which the interview was conducted, including any subsequent administrative proceedings associated with the complaint.

I understand that this information cannot be disclosed without my written consent unless otherwise required by law. I understand that I may revoke this consent in writing at any time except to the extent that action has already been taken in response to it.

I understand that discussing my interview and/or the investigation outside of official Academy channels may result in disciplinary action against me.

10/07/2020
Date

(b)(6)

STATEMENT OF (b)(6)

07 Oct 2020, Midshipman (b)(6) is identified as a victim. She was interviewed in the Office of Public Safety with Midshipman (b)(6) present, the interview was recorded.

(b)(6) was provided Appendix A, Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman, which she read, stated she understood and signed, acknowledging receipt. (b)(6) was advised that her statement is voluntary, that she may choose to not answer any question and at any time, she may terminate the interview. She was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. She was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interviews that took place on 07 Oct, 08 Oct, and 19 Oct 20.

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UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

29 Oct 2020

From: Commandant of Midshipmen

To: MIDN (b)(6)

Subj: NO CONTACT DIRECTIVE

1. I write to inform you that I have issued a No Contact Directive whereby neither you nor MIDN (b)(6) may have any contact with each other, in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at Academy-sponsored events, and/or through the use of Academy resources (including electronic). You may not engage in indirect communication, including via social media, a third party (unless authorized by me), or any other means. You must refrain from any form of harassment, retaliation, or intimidating behavior. If at any time either one of you feels the need to communicate with the other, you may do so only through me or through a third party explicitly authorized by me.
2. Furthermore, you must make a concerted effort to avoid any close proximity to MIDN (b)(6) as follows:
 - a. In areas where neither of you is required to be present, if one of you arrives first, the other must leave.
 - b. In areas where you are both required to be present, you must avoid sitting near the other.
 - c. In areas where their presence is required and yours is not, you may not be present.
 - d. In areas where your presence is required and theirs is not, they may not be present.
3. MIDN (b)(6) has received the same instructions as you find throughout this letter. This No Contact Directive will remain in effect until such time as I inform you that I have modified or revoked it.
4. This directive is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing. No Contact Directives do not, in and of themselves, become part of your permanent Academy record. However, it is very important that you understand and abide by the above stated conditions, since an infringement of this directive may result in disciplinary consequences. This may include revising the directive such that responsibility to avoid the other party falls exclusively on the party found responsible for violating the directive.
5. If you have any questions now or in the future regarding the No Contact Directive, you may contact me directly. If you are requesting review and/or modification of this directive, you should contact the Deputy Superintendent's office.

Mikel E. Stroud
CAPT USMS

Office of the Commandant



**UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699**

From: MIDN [REDACTED] (b)(6)
To: Commandant of Midshipman
Subj: NO CONTACT DIRECTIVE

I am in receipt of No Contact Directive dated 29 October 2020 and understand this is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing..

I acknowledge the terms set forth in this directive and my responsibility to abide by them, and the consequences should I fail to do so.

[REDACTED]
(b)(6)

10/29/2020
Date

Office of the Commandant

300 Steamboat Road, Kings Point, NY 11024 | 561-726-5659 | www.USMMA.edu

Thomas, Jeffery

From: Alleyne, Eric
Sent: Monday, October 5, 2020 4:12 PM
To: Buono, RADM Joachim
Cc: Dunlap, RDML Susan; Kreitzer, Ilene; Thomas, Jeffery
Subject: Restricted Report converted to an Unrestricted

RADM Buono,

We have a restricted report that was converted to an unrestricted report. The date of the original incident was (b)(6) and was reported as a restricted on (b)(6) It was converted to an unrestricted report today (OCT 20). The type of incident was Rape.

V/r
Eric E. Alleyne, M.Ed.
Director, SAPRO (Sexual Assault Prevention Response Office)
U.S. Merchant Marine Academy
Kings Point, NY 11024
O: 516-726-6153
alleynee@usmma.edu

To Report Sexual Assault, Call Our Hotline! 24/7 USMMA Internal Academy Hotline: 516-462-3207 or
24/7 USMMA SASH helpline: (844) 356-7137
www.usmmasashhelpline.org



Thomas, Jeffery

From: Alleyne, Eric
Sent: Monday, October 5, 2020 4:15 PM
To: Thomas, Jeffery
Subject: Restricted case converted to unrestricted today

Importance: High
Sensitivity: Confidential

Jeff,

Additional info attached for the converted case. Let me know if you need any other info.

A report switched from restricted to unrestricted. The report intake was June 29th 2020 and date of incident was

(b)(6)

V/r
Eric E. Alleyne, M.Ed.
Director, SAPRO (Sexual Assault Prevention Response Office)
U.S. Merchant Marine Academy
Kings Point, NY 11024

O: 516-726-6153
alleynee@usmma.edu

To Report Sexual Assault, Call Our Hotline! 24/7 USMMA Internal Academy Hotline: 516-462-3207 or
24/7 USMMA SASH helpline: (844) 356-7137
www.usmmasashhelpline.org



CONTENTS

Time:

Subject:

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Timeline

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Appendix E
UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NY



Voluntary Consent to Disclose Midshipmen Information under the Privacy Act of 1974, as amended, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Federal Educational Rights and Privacy Act of 1974 (FERPA) to the extent applicable by law.

PRINT NAME:

(b)(6)		
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Student's Last Name

First Name

Middle Initial

I hereby authorize the United States Merchant Marine Academy (USMMA) to disclose the contents of my interview conducted on 10/22/2020 (date) during the course of an administrative investigation, including any Personally Identifiable Information (PII) contained therein, to Academy officials for the sole purpose of resolving the complaint for which the interview was conducted, including any subsequent administrative proceedings associated with the complaint.

I understand that this information cannot be disclosed without my written consent unless otherwise required by law. I understand that I may revoke this consent in writing at any time except to the extent that action has already been taken in response to it.

I understand that discussing my interview and/or the investigation outside of official Academy channels may result in disciplinary action against me.

10/22/2020
Date

(b)(6)

Signature of Midshipman

STATEMENT OF (b)(6)

22 Oct 20, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time, he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 22 Oct 20.

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

06 NOV 2020



UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

29 Oct 2020

From: Commandant of Midshipmen

To: MIDN (b)(6)

Subj: NO CONTACT DIRECTIVE

1. I write to inform you that I have issued a No Contact Directive whereby neither you nor MIDN (b)(6) may have any contact with each other, in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at Academy-sponsored events, and/or through the use of Academy resources (including electronic). You may not engage in indirect communication, including via social media, a third party (unless authorized by me), or any other means. You must refrain from any form of harassment, retaliation, or intimidating behavior. If at any time either one of you feels the need to communicate with the other, you may do so only through me or through a third party explicitly authorized by me.
2. Furthermore, you must make a concerted effort to avoid any close proximity to MIDN (b)(6) as follows:
 - a. In areas where neither of you is required to be present, if one of you arrives first, the other must leave.
 - b. In areas where you are both required to be present, you must avoid sitting near the other.
 - c. In areas where their presence is required and yours is not, you may not be present.
 - d. In areas where your presence is required and theirs is not, they may not be present.
3. MIDN (b)(6) has received the same instructions as you find throughout this letter. This No Contact Directive will remain in effect until such time as I inform you that I have modified or revoked it.
4. This directive is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing. No Contact Directives do not, in and of themselves, become part of your permanent Academy record. However, it is very important that you understand and abide by the above stated conditions, since an infringement of this directive may result in disciplinary consequences. This may include revising the directive such that responsibility to avoid the other party falls exclusively on the party found responsible for violating the directive.
5. If you have any questions now or in the future regarding the No Contact Directive, you may contact me directly. If you are requesting review and/or modification of this directive, you should contact the Deputy Superintendent's office.

Mikel E. Stroud
CAPT USMS

Office of the Commandant

300 Steamboat Road, Kings Point, NY 11024 | 561-726-5659 | www.USMMA.edu



**UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699**

From: MIDN [redacted] (b)(6)

To: Commandant of Midshipman

Subj: NO CONTACT DIRECTIVE

I am in receipt of No Contact Directive dated 29 October 2020 and understand this is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing.

I acknowledge the terms set forth in this directive and my responsibility to abide by them, and the consequences should I fail to do so.

[redacted] (b)(6)
Midshipman [redacted] (b)(6)

10/29/2020
Date

Office of the Commandant

300 Steamboat Road, Kings Point, NY 11024 | 561-726-5659 | www.USMMA.edu

Appendix E



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NY



Voluntary Consent to Disclose Midshipmen Information under the Privacy Act of 1974, as amended, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Federal Educational Rights and Privacy Act of 1974 (FERPA) to the extent applicable by law.

PRINT NAME:

(b)(6)		
Student's Last Name	First Name	Middle Initial

I hereby authorize the United States Merchant Marine Academy (USMMA) to disclose the contents of my interview conducted on 10/29/2020 (date) during the course of an administrative investigation, including any Personally Identifiable Information (PII) contained therein, to Academy officials for the sole purpose of resolving the complaint for which the interview was conducted, including any subsequent administrative proceedings associated with the complaint.

I understand that this information cannot be disclosed without my written consent unless otherwise required by law. I understand that I may revoke this consent in writing at any time except to the extent that action has already been taken in response to it.

I understand that discussing my interview and/or the investigation outside of official Academy channels may result in disciplinary action against me.

10/29/2020
Date

(b)(6)

Signature of Midshipman

Appendix E



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NY



Voluntary Consent to Disclose Midshipmen Information under the Privacy Act of 1974, as amended, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Federal Educational Rights and Privacy Act of 1974 (FERPA) to the extent applicable by law.

PRINT NAME:

(b)(6)		
Student's Last Name	First Name	Middle Initial

I hereby authorize the United States Merchant Marine Academy (USMMA) to disclose the contents of my interview conducted on 10/29/2020 (date) during the course of an administrative investigation, including any Personally Identifiable Information (PII) contained therein, to Academy officials for the sole purpose of resolving the complaint for which the interview was conducted, including any subsequent administrative proceedings associated with the complaint.

I understand that this information cannot be disclosed without my written consent unless otherwise required by law. I understand that I may revoke this consent in writing at any time except to the extent that action has already been taken in response to it.

I understand that discussing my interview and/or the investigation outside of official Academy channels may result in disciplinary action against me.

10/29/2020
Date

(b)(6)	oman
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STATEMENT OF (b)(6)

29 Oct 20, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time, he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 29 Oct 20.

(b)(6)

(b)(6)

(b)(6)

(b)(6)

11/4/2020

Appendix E



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NY



Voluntary Consent to Disclose Midshipmen Information under the Privacy Act of 1974, as amended, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Federal Educational Rights and Privacy Act of 1974 (FERPA) to the extent applicable by law.

PRINT NAME:

(b)(6)		
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Student's Last Name

First Name

Middle Initial

I hereby authorize the United States Merchant Marine Academy (USMMA) to disclose the contents of my interview conducted on 10/29 (date) during the course of an administrative investigation, including any Personally Identifiable Information (PII) contained therein, to Academy officials for the sole purpose of resolving the complaint for which the interview was conducted, including any subsequent administrative proceedings associated with the complaint.

I understand that this information cannot be disclosed without my written consent unless otherwise required by law. I understand that I may revoke this consent in writing at any time except to the extent that action has already been taken in response to it.

I understand that discussing my interview and/or the investigation outside of official Academy channels may result in disciplinary action against me.

10/29/2020

Date

(b)(6)

STATEMENT OF (b)(6)

29 Oct 20, Midshipman (b)(6) is identified as a witness. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time, he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 29 Oct 20.

(b)(6)

(b)(6)

(b)(6)

Nov 4, 2020

Procedure for Investigating Unrestricted Reports of Sexual Assault

Appendix E



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NY



Voluntary Consent to Disclose Midshipmen Information under the Privacy Act of 1974, as amended, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Federal Educational Rights and Privacy Act of 1974 (FERPA) to the extent applicable by law.

PRINT NAME:

(b)(6)

Student's Last Name

First Name

Middle Initial

I hereby authorize the United States Merchant Marine Academy (USMMA) to disclose the contents of my interview conducted on 10/30/2020 (date) during the course of an administrative investigation, including any Personally Identifiable Information (PII) contained therein, to Academy officials for the sole purpose of resolving the complaint for which the interview was conducted, including any subsequent administrative proceedings associated with the complaint.

I understand that this information cannot be disclosed without my written consent unless otherwise required by law. I understand that I may revoke this consent in writing at any time except to the extent that action has already been taken in response to it.

I understand that discussing my interview and/or the investigation outside of official Academy channels may result in disciplinary action against me.

10/30/2020

Date

E-SIGN

(b)(6)

Signature of Midshipman

Thomas, Jeffery

From: (b)(6)@Midshipman.usmma.edu>
Sent: Friday, October 30, 2020 5:57 PM
To: Thomas, Jeffery
Subject: Re: Administrative Investigation
Attachments: Disclosure.pdf

Good Evening

I apologize again for the late reply.

My statement is below.

(b)(6)

(b)(6)

Statement Concluded.

Very Respectfully,

(b)(6)

From: Thomas, Jeffery <ThomasJ@USMMA.EDU>

Sent: Friday, October 30, 2020 3:39:39 PM

To: (b)(6)

Subject: FW: Administrative Investigation

Midshipman (b)(6)

Following up, were you able to complete the information requested below?

r/Jeff Thomas

Jeffery M. Thomas
Director of Public Safety
U.S. Merchant Marine Academy
(O) 516-726-5846
(C) (b)(6)
Email: ThomasJ@USMMA.EDU

From: Thomas, Jeffery

Sent: Monday, October 26, 2020 3:41 PM

Appendix B
United States Merchant Marine Academy
Rights of Midshipmen Accused of Sexual Assault,
Sexual or Gender-Based Harassment,
Relationship Violence, or Stalking

1. You have the right to be notified of the complaint against you, and of a prompt, fair, and impartial investigation, and appropriate resolution, of it. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from the complaint against you. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to refrain from making self-incriminating statements. However, the Academy will make a determination of responsibility based on the information available to it.
4. You have the right to know the potential sanctions that may be imposed against you if you are found responsible for the complaint against you, which include all the disciplinary sanctions for a Class I violation set forth in the Midshipman Regulations, up to and including disenrollment.
5. You have the right to not have irrelevant prior sexual history admitted as evidence in any hearing pertaining to the complaint against you.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from the complaint against you.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from the complaint against you, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Complainant or anyone else at the Academy as a result of the allegations made against you. If you believe you have been retaliated against, you should immediately make a report. Similarly, you must not harass or retaliate against the Complainant or anyone else involved in the investigation.
9. You have the right to have your name and all information related to the complaint against you kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of the complaint against you are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible. Discussing the investigation outside of official Academy channels may result in disciplinary action.
10. You have all the other rights for Respondents set out in the following Academy policies: Superintendent Instruction 2018-04, *Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, Stalking, and Retaliation Policy* and Superintendent Instruction 2018-05, *Reporting, Investigating, and Resolving Complaints of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, and Stalking Against Midshipmen*.

I, (b)(6) (print name), acknowledge receipt of this document and
copy (b)(6) as set forth in Paragraph 10, above.
Signature _____ Date 10/30/2020

Appendix E



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NY



Voluntary Consent to Disclose Midshipmen Information under the Privacy Act of 1974, as amended, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Federal Educational Rights and Privacy Act of 1974 (FERPA) to the extent applicable by law.

PRINT NAME:

(b)(6)		
Student's Last Name	First Name	Middle Initial

I hereby authorize the United States Merchant Marine Academy (USMMA) to disclose the contents of my interview conducted on 10/30/2010 (date) during the course of an administrative investigation, including any Personally Identifiable Information (PII) contained therein, to Academy officials for the sole purpose of resolving the complaint for which the interview was conducted, including any subsequent administrative proceedings associated with the complaint.

I understand that this information cannot be disclosed without my written consent unless otherwise required by law. I understand that I may revoke this consent in writing at any time except to the extent that action has already been taken in response to it.

I understand that discussing my interview and/or the investigation outside of official Academy channels may result in disciplinary action against me.

10/30/2010
Date

(b)(6)

Signature of Midshipman

STATEMENT OF (b)(6)

30 Oct 20, Midshipman (b)(6) is identified as the accused. He was interviewed in the Office of Public Safety, the interview was recorded. (b)(6) was provided Appendix B, Rights of Individuals Accused of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman, which he read, stated he understood and signed, acknowledging receipt. (b)(6) was advised that his statement is voluntary, that he may choose to not answer any question and at any time, he may terminate the interview. He was advised that this investigation is an administrative investigation and is only applicable to the administrative policies of the United States Merchant Marine Academy. He was advised that the conversation is confidential and should not be discussed with outside parties. This statement is a summary of the investigative interview that took place on 30 Oct 20.

(b)(6)

(b)(6)

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(b)(6)

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(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

11/5/2020



UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

30 Oct 2020

From: Commandant of Midshipmen

To: MIDN (b)(6)

Subj: NO CONTACT DIRECTIVE

1. I write to inform you that I have issued a No Contact Directive whereby neither you nor MIDN (b)(6) and MIDN (b)(6) may have any contact with each other, in person or through another party, by telephone, letter, e-mail, or other electronic media, or by any other means. This applies on campus and in the local vicinity, at Academy-sponsored events, and/or through the use of Academy resources (including electronic). You may not engage in indirect communication, including via social media, a third party (unless authorized by me), or any other means. You must refrain from any form of harassment, retaliation, or intimidating behavior. If at any time either one of you feels the need to communicate with the other, you may do so only through me or through a third party explicitly authorized by me.
2. Furthermore, you must make a concerted effort to avoid any close proximity to MIDN (b)(6) and MIDN (b)(6) as follows:
 - a. In areas where neither of you is required to be present, if one of you arrives first, the other must leave.
 - b. In areas where you are both required to be present, you must avoid sitting near the other.
 - c. In areas where their presence is required and yours is not, you may not be present.
 - d. In areas where your presence is required and theirs is not, they may not be present.
3. MIDN (b)(6) and MIDN (b)(6) have received the same instructions as you find throughout this letter. This No Contact Directive will remain in effect until such time as I inform you that I have modified or revoked it.
4. This directive is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing. No Contact Directives do not, in and of themselves, become part of your permanent Academy record. However, it is very important that you understand and abide by the above stated conditions, since an infringement of this directive may result in disciplinary consequences. This may include revising the directive such that responsibility to avoid the other party falls exclusively on the party found responsible for violating the directive.
5. If you have any questions now or in the future regarding the No Contact Directive, you may contact me directly. If you are requesting review and/or medication of this directive, you should contact the Deputy Superintendent's office.

Mikel E. Stroud
CAPT USMS

Office of the Commandant



UNITED STATES MERCHANT MARINE ACADEMY
OFFICE OF THE COMMANDANT OF MIDSHIPMEN
300 STEAMBOAT ROAD
KINGS POINT NEW YORK 11024-1699

From: MIDN [redacted] (b)(6)
To: Commandant of Midshipman

Subj: NO CONTACT DIRECTIVE

I am in receipt of No Contact Directive dated 30 October 2020 and understand this is not an indication of responsibility for a violation of Academy policy; rather, it is intended to avoid interactions that could be perceived by either party as retaliatory, intimidating, or harassing..

I acknowledge the terms set forth in this directive and my responsibility to abide by them, and the consequences should I fail to do so.

M [redacted] (b)(6)

10/30/2020
Date

Office of the Commandant

300 Steamboat Road, Kings Point, NY 11024 | 561-726-5659 | www.USMMA.edu

MEMORANDUM FOR RECORD

TO: Deputy Superintendent
USMMA, Kings Point, NY

FROM: Jeffery M. Thomas
Department of Public Safety
USMMA, Kings Point, NY

Background:

(b)(6)

(b)(6)

Complainant:

9 Nov 17, (b)(6) is identified as the complainant. She provided a prepared statement (b)(6) via email on 3 Nov 17. (h)(6) was interviewed telephonically on 9 Nov 17, the statement of (h)(6) is at Attachment 1. The interview of (h)(6) is at Attachment 2.

Respondent:

13 November 17, 1600, Midshipman (b)(6) is identified as the respondent. (h)(6) reported to the Public Safety Office where he met with NYPD Detective O'Leary. Detective O'Leary advised (h)(6) of his Miranda Rights which he waived to make a voluntary statement.

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Interim Measures:

All Midshipman were advised to not discuss the investigation with anyone other than the Academy Leadership, Academy Counsel, Public Safety or a Licensed Counselor.

Additional Information:

Prepared statement from (b)(6) provided by (b)(6)

Attachment 1

Telephonic statement of (b)(6)

Attachment 2

Attachment 3

Attachment 4

Attachment 5

(b)(6)

ATTACHMENT 1

(b)(6)

(b)(6)

ATTACHMENT 2

(b)(6) Investigation:

My name is Jeffery Thomas, I am the Director of Public Safety at the USMMA, part of my duty at the academy includes conducting administrative investigations. I do not have any law enforcement capability, if I discover anything that I believe to be criminal in nature it is my responsibility to turn that information over to a criminal investigator employed by the Department of Transportation. On the 1st of November I met with NYPD Detective O'Leary and Special Agent Stanek from the Department of Transportation/

(b)(6)

(b)(6)

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(b)(6)

Attachment 3

(b)(6)

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(b)(6)

(b)(6)

Attachment 4

(b)(6)

(b)(6)

Attachment 5

(b)(6)

(b)(6)

(b)(6)

(b)(6)



DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



FOIA Request 2022-0530

Freedom of Information Act Office
Cohen Bldg., Suite 5541A
330 Independence Ave., SW
Washington DC 20201

May 31, 2022

By Email.

This is in response to the February 3, 2022, Freedom of Information Act (FOIA) request you submitted to the Department of Health and Human Services (HHS), Office of Inspector General (OIG), requesting a copy of the final report, closing memo, referral memo, report of investigation, etc., associated with each HHS OIG investigation closed during the time period 2016-2021 relating to the Indian Health Service (IHS).

This office located one hundred-seven (107) pages responsive to your request; I have determined to partially release all one hundred-seven (107) pages, with portions withheld under FOIA Exemptions (b)(4), (b)(6), (b)(7)(C), (b)(7)(E) and (b)(7)(F).

Exemption (b)(4) permits the withholding of commercial or financial information that was obtained from a person or organization outside the government and that is privileged or confidential.

Exemption (b)(6) permits the withholding of information that if released would constitute a clearly unwarranted invasion of personal privacy.

Exemption (b)(7)(C) permits the withholding of investigatory records compiled for law enforcement purposes when disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Exemption (b)(7)(E) permits the withholding of law enforcement information which "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law."

Exemption (b)(7)(F) permits the withholding of law enforcement-related information necessary to protect the physical safety of a wide range of individuals. This exemption provides broad protection to "any individual" when disclosure of information about him "could reasonably be expected to endanger life or physical safety."

MEMORANDUM FOR RECORD

TO: Deputy Superintendent
USMMA, Kings Point, NY

FROM: (b)(6); (b)(7)(C)
Department of Public Safety
USMMA, Kings Point, NY

Background:

(b)(6) (complainant) is a (b)(6)(b)(6); at the United States Merchant Marine Academy, (h) is assigned to (b)(6) (b)(6); (h)(6) initially reported to (b)(6); (b)(6); (b)(7)(C) on the (h)(6); (b)(7)(C) that (b)(6) and wanted to file a restricted report. (b)(6) changed (b) mind and unrestricted (h) report on the (b)(6); (b)(7)(C) (b)(6); contacted the Department of Public Safety (DPS) to arrange an interview with the victim.

I, (h)(6); (b)(7)(C) met with complainant on (h)(6); at approximately 1100 in the Office of Public Safety with (h)(6); (b)(7)(C). The complainant stated

(b)(6)

Investigative Procedures:

(h)(6); - Administrative investigation addressing the complaint of (b)(6) began with interviews of the following:

(b)(6)

Interviewed (h)(6);
Interviewed (h)(6); via teleconference
Interviewed (h)(6);
Interviewed (h)(6);
Interviewed (h)(6);
Interviewed (h)(6);

(b)(6)

Interviewed (b)(6); (b)(7)(C)

Interviewed (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – The incident was reported to the Department of Transportation IG (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – Attempted to review video footage for the (b)(6); (b)(7)(C) of (b)(6); (b)(7)(C) video footage for this specific time frame had already cycled out of the Digital Video Recorder and was unable to be captured or reviewed.

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) assigned the investigation to (b)(6); (b)(7)(C) Copy of initial complaint from (b)(6); (b)(7)(C) transferred to the assigned investigator.

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C) in the presence of (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – Copy of Investigative summary transferred to (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) directed that I conduct no additional interviews, administrative investigation suspended as to not interfere with the criminal investigation.

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C) in my presence.

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C) in my presence.

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C) (telephonically).

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C) (telephonically).

(b)(6); (b)(7)(C) – (b)(6); (b)(7)(C) interviewed by (b)(6); (b)(7)(C) in the presence of (b)(6); (b)(7)(C) and myself. Interview terminated by (b)(6); (b)(7)(C) who indicated that (b)(6); (b)(7)(C) no longer wished to assist with the criminal investigation.

(b)(6); (b)(7)(C) – DOT IG (b)(6); (b)(7)(C) provided USMMA with DOT IG Investigative Summary. All interview files have been transferred to USMMA.

(b)(6); – Notice to proceed with Administrative Investigation by (b)(6);

(b)(6); – Review all investigative files.

(b)(6); – Complainant, Respondent and all Witness review and sign statements.

(b)(6); – Administrative Investigation closed and provided to (b)(6); (b)(7)(C)
USMMA, pending review.

Interim Measures:

All (b)(6); were advised to not discuss the investigation with anyone other than the Academy Leadership, Academy Counsel, Public Safety or a Licensed Counselor.

Investigative Summary:

(b)(6)

(b)(6)

Investigative Findings:

The (b)(6) listed should be considered for violation of Academy Policy:

(b)(6)

1. Superintendent Instruction 2016-02 (Sexual Assault, Dating Violence, Domestic Violence, Stalking, Prevention Education, and Response Policy)
 - a. Paragraph 5.a.ii
2. Superintendent Instruction 2016-02 (Policy on Alcohol Consumption on Academy Grounds)
 - a. Paragraph 4.a
3. Midshipman Regulation (dated 16 May 2011)
 - a. Chapter 2, paragraph 212 (Professional Relations)

(b)(6)

1. Superintendent Instruction 2016-02 (Policy on Alcohol Consumption on Academy Grounds)
 - a. Paragraph 4.a

Attachments:

1. United States Department of Transportation, Memorandum, Conclusion of an OIG Investigation (Case No. 18E0030200, dated (b)(6))
2. (b)(6)
 - a. Copy of Appendix A – Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman.
 - b. Statement of (b)(6) (dated (b)(6))
 - c. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))
 - d. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))
3. (b)(6)
 - a. Copy of Appendix B – Rights of Midshipman Accused of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking.
 - b. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))

4. (b)(6)
 - a. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))
5. (b)(6)
 - a. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))
 - b. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))
6. (b)(6)
 - a. Statement of (b)(6) (dated (b)(6))
7. (b)(6)
 - a. EMAIL, Witness Report (dated (b)(6))
 - b. Statement of (b)(6) (dated (b)(6))
 - c. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))
8. (b)(6)
 - a. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))
9. (b)(6)
 - a. Statement of (b)(6) (dated (b)(6))
10. (b)(6)
 - a. EMAIL, Witness Statement (dated (b)(6))
 - b. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))
11. (b)(6)
 - a. Statement of (b)(6) (dated (b)(6))
12. (b)(6)
 - a. Statement of (b)(6) (dated (b)(6))
 - b. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))
13. (b)(6)
 - a. Statement of (b)(6) (dated (b)(6))
 - b. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6))

14. (b)(6)

- a. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6):)

15. (b)(6)

- a. Statement of (b)(6) (dated (b)(6):)
- b. US Department of Transportation – Office of Inspector General, Memorandum of Activity (Interview, conducted (b)(6):)



U.S. Department of
Transportation

Office of the Secretary
of Transportation

Office of Inspector General

Memorandum

Subject: Conclusion of an OIG
Investigation (Case No. I18E0030200)

Date: (b)(6);

From: Douglas Shoemaker
Special Agent-in-Charge, JRI-2

(b)(6);
(b)(7)(C)

Digitally signed by
DOUGLAS SHOEMAKER
Date: 2018.07.17
15:28:57 -04'00'

Reply to
Attn. of: JRI-2

(b)(6);

To: (b)(6);
Counsel to the Academy
U.S. Merchant Marine Academy

This investigation was initiated based upon information received, on (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) Public Safety, United States Merchant Marine Academy (USMMA), regarding an alleged sexual assault of (b)(6); (b)(7)(C) (b)(6); It was alleged that on (b)(6); (b)(7)(C) (b)(6); was sexually assaulted by (b)(6); (b)(7)(C) at the USMMA campus in Kings Point, NY. (b)(6); initially filed a Restricted Report on (b)(6); (b)(7)(C) with (b)(6); (b)(6); (b)(7)(C) (b)(6); Restricted Report was made Unrestricted on (b)(6); (b)(7)(C) (b)(6); was interviewed by (b)(6); on (b)(6); (b)(7)(C).

(b)(6); had reported that (b)(6); became heavily intoxicated after drinking alcohol with (b)(6); (b)(7)(C)

OIG Investigative Steps Taken:

The OIG investigation was assigned to (b)(6); (b)(7)(C) In the course of the investigation, it was determined that there were no surveillance video recordings of

(b)(6); [redacted] the weekend of the alleged sexual assault (the digital video recordings had cycled out by the time (b)(6); [redacted] attempted to review them, on (b)(6); (b)(7)(C) [redacted]). At the case agent's request, (b)(6); [redacted] provided (b)(6); (b)(7)(C) [redacted] (b)(6); (b)(7)(C) [redacted] (b)(6); (b)(7)(C) [redacted]—for the weekend of (b)(6); (b)(7)(C) [redacted], and a list of all (b)(6); [redacted] from (b)(6); [redacted]. The case agent conducted fourteen (14) interviews during the course of this investigation.

On (b)(6); [redacted] the case agent and (b)(6); (b)(7)(C) [redacted] discussed the possibility of (b)(6); (b)(7)(C) [redacted]. On (b)(6); [redacted] prior to (b)(6); [redacted] interview, (b)(6); [redacted] stated that (b)(6); [redacted] was interested in learning about the (b)(6); (b)(7)(C) [redacted]. At the conclusion of (b)(6); [redacted] interview on (b)(6); [redacted], (b)(6); [redacted] informed, through (b)(6); [redacted] that (b)(6); [redacted] was no longer interested in cooperating with the criminal investigation.

In the course of the OIG investigation, and as further outlined below, (b)(6); (b)(7)(C) [redacted]

(b)(6); (b)(7)(C) [redacted]

(b)(6); (b)(7)(C) [redacted]

(b)(6); [redacted] Interviewed:

Between (b)(6); (b)(7)(C) [redacted] and (b)(6); [redacted] OIG Special Agents interviewed the following (b)(6); [redacted] who had varying levels of contact with (b)(6); [redacted] during the weekend of the alleged sexual assault. Unless indicated 'telephonic', all (b)(6); [redacted] were interviewed at the USMMA:¹

- (b)(6); (b)(7)(C) [redacted]
- (b)(6); [redacted]
- (b)(6); [redacted] (Telephonic)
- (b)(6); (b)(7)(C) [redacted]
- (b)(6); [redacted] (Telephonic)
- (b)(6); (b)(7)(C) [redacted]
- (b)(6); [redacted]
- (b)(6); [redacted]
- (b)(6); (b)(7)(C) [redacted]

¹ Copies of all interview reports have been forwarded to (b)(6); [redacted] Counsel to the USMMA, during the course of this investigation.

- (b)(6); (b)(7)(C)
- (b)(6);

(b)(6); (b)(7)(C) Interviews:

(b)(6); was interviewed by the case agent and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) respectively, on two occasions: (b)(6); (b)(7)(C) and (b)(6);.

During the first interview, (b)(6); stated that on (b)(6); (b)(7)(C) at approximately (b)(6) hrs, (b)(6); (b)(6); (b)(7)(C), (b)(6); consumed a cup filled with (b)(6); (b)(7)(C) (b)(6);. At approximately (b)(6) hrs, while (b)(6); (b)(6); of (b)(6); (b)(6); (b)(7)(C)

During (b)(6); second interview on (b)(6);, (b)(6); stated that prior to (b)(6); (b)(6);, during the (b)(6); of (b)(6); (b)(7)(C) (b)(6); was hanging out with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) and Other (b)(6); Interviews/Statements:

On (b)(6); (b)(7)(C), (b)(6); [redacted] was interviewed by OIG Special Agents. (b)(6); [redacted] described the events of (b)(6); (b)(7)(C) [redacted], as follows: At approximately (b)(6) hrs on (b)(6); (b)(7)(C) [redacted]

(b)(6); (b)(7)(C) [redacted]

On (b)(6); [redacted] (b)(6); (b)(7)(C) [redacted] and (b)(6); [redacted] were interviewed by OIG Special Agents. (b)(6); (b)(7)(C) [redacted]

(b)(6); (b)(7)(C) [redacted]

On (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) [redacted] was interviewed by OIG Special Agents. (b)(6); (b)(7)(C) [redacted] (b)(6); (b)(7)(C) [redacted]

On (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) respectively, (b)(6); (b)(7)(C) (b)(6); and (b)(6); (b)(7)(C) were interviewed by OIG Special Agents. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

USAO Declination:

On (b)(6); AUSA (b)(6); (b)(7)(C) Eastern District of New York, was informed by the case agent that (b)(6); was no longer interested in cooperating with the criminal investigation. The case agent and AUSA (b)(6); agreed that based upon (b)(6); (b)(7)(C) and the lack of victim cooperation, a criminal prosecution was no longer viable. AUSA (b)(6); opined that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) was the best course of action. As a result, the OIG investigation will be closed.

-#-

Appendix A

United States Merchant Marine Academy Rights of Individuals Complaining of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking by a Midshipman

1. You have the right to a prompt, fair and impartial investigation, and appropriate resolution, of your complaint. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from your complaint. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to be informed of your options to notify law enforcement authorities, and the option to be assisted by Academy personnel in notifying such authorities. This includes, at your option, the right not to report your complaint to law enforcement authorities.
4. You have the right to not have [irrelevant] prior sexual history admitted as evidence in any hearing pertaining to your complaint.
5. You have the right to make an impact statement during Phase II of any hearing, if such hearing proceeds to Phase II.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from your complaint.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from your complaint, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Respondent or anyone else at the Academy for making a complaint. If you believe you have been retaliated against for doing so, you should immediately notify the SAPRO Director/SARC. Similarly, you must not harass or retaliate against the Respondent or anyone else involved in the investigation.
9. You have the right to have your name and all information related to your complaint kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of your complaint are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible.
10. You have all the other rights for Complainants set out in the following Academy policies: [list policies]

I, (b)(6) (print name), acknowledge receipt of this document and

(b)(6)

Signature

(b)(6); (b)(7)(C)

Date

STATEMENT OF (b)(6)

(b)(6); (b)(6); (b)(6) is identified as the complainant. (b)(6)
was interviewed in the Office of Public Safety with (b)(6); (b)(7)(C) present. (b)(6)
reported

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6); (b)(7)(C)

Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Riad Kings Point NY 11024
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

On (b)(6); (b)(7)(C); (b)(6); (b)(7)(C) was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C). Also present was (b)(6); (b)(7)(C). After being apprised of the nature of the interview and identities of the interviewing agents, (b)(6); stated the following, in substance:

(b)(6); filed a sexual assault restricted report with (b)(6); on (b)(6); (b)(6); reported that (b)(6); was sexually assaulted by (b)(6); (b)(7)(C) on (b)(6); (b)(6); had explained to (b)(6); that a restricted report wouldn't include names, and it was an outlet to speak about the incident; an unrestricted report would go further and would be the first step in an official report on the matter. (b)(6); had asked (b)(6); if (b)(6); didn't care about (b)(6); life, why (b)(6); should care about (b)(6). During the week of (b)(6); (b)(6); unrestricted (b)(6); report of the sexual assault.

(b)(6); is a (b)(6); (b)(6); (b)(7)(C); (b)(6); (b)(7)(C) (b)(6) which was from approximately (b)(6); (b)(7)(C) (b)(6); lasted for approximately (b)(6); (b)(6); (b)(6); (b)(7)(C) After (b)(6); and prior to (b)(6); (b)(7)(C) and (b)(6); didn't really have any conversations.

On (b)(6); (b)(7)(C) stayed in (b)(6); room all day. (b)(6); left (b)(6); room at approximately (b)(6); and reported for (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) From (b)(6); is able to visually see everything on (b)(6);

On (b)(6); there was a gathering for (b)(6); and some students (b)(6); (b)(7)(C) Several students also (b)(6); (b)(7)(C) (b)(6); (b)(6); Some of those individuals included: (b)(6); (b)(6); (b)(7)(C) Upon arrival to (b)(6); had food and (b)(6); had a (b)(6); (b)(7)(C) Some of the other individuals had (b)(6); (b)(6); (b)(7)(C) (b)(6); (b)(6); When you are (b)(6); the campus rules state that you are supposed to (b)(6); (b)(7)(C) But there is an unwritten rule at the school that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

By about (b)(6); many of the above individuals were intoxicated, and were surrounding (b)(6); (b)(7)(C) (b)(6); took (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) They had their drinks on the (b)(6); and were talking to (b)(6); "peer pressuring" (b)(6); to drink with them. (b)(6); asked (b)(6); if (b)(6); wanted a drink; (b)(6); said yes. (b)(6); filled up a plastic cup with about (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) At approximately (b)(6); (b)(7)(C) which took approximately eight (8) minutes. The group of individuals stayed around (b)(6); and talked while (b)(6); (b)(7)(C) When (b)(6); (b)(7)(C) drink wasn't finished, so (b)(6); continued sipping it. At approximately (b)(6);

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6)	Date Report Drafted: (b)(6)	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6)	Activity Conducted By (Name(s)): (b)(6)	Signature: (b)

(b)(6) (b)(7)(C) left campus to go to (b)(7). They returned at approximately (b)(7). When (b)(6) and (b)(6) returned, everyone went up to (b)(6) (b)(7)(C). At this time, (b)(6) (b)(7)(C) (b)(6) (b)(7)(C)

While (b)(6) (b)(7)(C) invited (b)(7) to come into (b)(6); room. Some of the (b)(7) were in the room drinking. (b)(6) (b)(7)(C) (b)(7) (b)(6) does recall that (b)(6) (b)(7)(C) were in the room. While in (b)(6) room, (b)(6) consumed (b)(6) (b)(7)(C) (b)(6) was probably in the room for approximately thirty (30) minutes. While (b)(6) was in the room, (b)(6) recalls it was loud with music. (b)(6) recalls standing next to (b)(6) (b)(6) (b)(7)(C)

(b)(6) thinks maybe (b)(6) (b)(7)(C) and maybe (b)(7) wanted to hold (b)(7) (b)(6) recalls the door to the room was closed, and (b)(7) and (b)(6) had their backs to the door. It was dark in the room; the only lights were (b)(6) (b)(7)(C) (b)(6) recalls (b)(6) was standing behind (b)(7) between (b)(7) and the door.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

When (b)(6) woke up, (b)(6) (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6); (b)(7)(C)	Date Report Drafted: (b)(6); (b)(7)(C)	Location of Activity: USMMA 300 Steamboat Riad Kings Point NY 11024
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6); (b)(7)(C)	Signature: (h)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) saw (b)(6); (b)(7)(C) every day, until (h) left for (b)(6); (b)(7)(C). About a week before (h) which were between (b)(6); (b)(7)(C). Apparently it was meant for (b)(6); (b)(7)(C), but the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) happened to be on (b)(6); (b)(7)(C) at the time. (h) went into (h) room, and suggested ways (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stayed in (b)(6); (b)(7)(C) room for approximately (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) were in the room as well. (b)(6); (b)(7)(C) left (h) room to take a shower, and when (h) got back, (b)(6); (b)(7)(C) wasn't there. (b)(6); (b)(7)(C) had a brief conversation with (b)(6); (b)(7)(C) about (b)(6); (b)(7)(C) being in their room. (b)(6); (b)(7)(C) said, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) replied, (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) what was going on. (b)(6); (b)(7)(C) are friends; (b)(6); (b)(7)(C) are also friends. (b)(6); (b)(7)(C) asked (h) if (b)(6); (b)(7)(C) needed a lawyer. (b)(6); (b)(7)(C) said (h) didn't know; that would be up to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) suggested to (h) that (h) report the assault to the Human Relations Officer for "SARP." That's when (b)(6); (b)(7)(C) decided to report it.

(b)(6); (b)(7)(C) told (h) that (h) reported the assault. (b)(6); (b)(7)(C) then moved to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) thinks that by (b)(6); (b)(7)(C) everyone knows about the assault. Everyone in (b)(6); (b)(7)(C) is nice to (b)(6); (b)(7)(C).

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6)	Date Report Drafted: (b)(6)	Location of Activity: USMMA 300 Steamboat Riad Kings Point NY 11024
Subject of Activity: (b)(6)	Activity Conducted By (Name(s)): (b)(6)	Signature: (b)

On (b)(6); (b)(7)(C) (b)(6) met with and was interviewed by (b)(6); (b)(7)(C) Department of Public Safety, US Merchant Marine Academy. The (b)(6); (b)(7)(C) of the assault, so (b) didn't have to file a report. It's hard to report sexual assaults at the academy. (b)(6) say that they don't believe (b)(6) at all. (b)(6) thought that (b)(6); (b)(7)(C) so (b) didn't care about (b). So (b) thought why should (b) protect someone like that and not report it.

(b)(6); believes (b)(6) group will be reporting back to base in approximately (b)(6);

Reviewed By (Initials): D H

Date: (b)(6);

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

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Memorandum of Activity

Case Number: 118E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6); (b)(7)(C)	Date Report Drafted: (b)(6); (b)(7)(C)	Location of Activity: USMMA 300 Steamboat Road
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6); (b)(7)(C)	Signature: (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) United States Merchant Marine Academy (USMMA), was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C) at the USMMA, 300 Steamboat Road Kings Point, NY 11024. Also present were (b)(6); (b)(7)(C) Public Safety, and (b)(6); (b)(7)(C). After being apprised of the nature of the interview and identities of the interviewing agents, (b)(6); (b)(7)(C) stated the following, in substance:

Prior to the start of (b)(6); (b)(7)(C) which was scheduled for (b)(6); (b)(7)(C) was hanging out with (b)(6); (b)(7)(C). They split one can of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) ate (b)(6); (b)(7)(C). When (b)(6); (b)(7)(C) reported to (b)(6); (b)(7)(C) was joined by (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) did homework together from approximately (b)(6); (b)(7)(C). Prior to (b)(6); (b)(7)(C) started to drink one alcoholic beverage.

(b)(6); (b)(7)(C)

Prior to the (b)(6); (b)(7)(C) received approximately two (2) Facebook texts from (b)(6); (b)(7)(C) and other (b)(6); (b)(7)(C) were hanging out in (b)(6); (b)(7)(C) room when (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C). After the (b)(6); (b)(7)(C) and went to (b)(6); (b)(7)(C) room. (b)(6); (b)(7)(C) met (b)(6); (b)(7)(C) they walked into (b)(6); (b)(7)(C) room together. (b)(6); (b)(7)(C) stayed in (b)(6); (b)(7)(C) room for approximately twenty (20) to thirty (30) minutes. (b)(6); (b)(7)(C) probably drank (b)(6); (b)(7)(C) while in (b)(6); (b)(7)(C) room. (b)(6); (b)(7)(C) doesn't recall any intimate contact between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) while they were in (b)(6); (b)(7)(C) room. They were just standing next to each other; they didn't touch or kiss each other. At some point, (b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) if (b)(6); (b)(7)(C) wanted to leave the room with (b)(6); (b)(7)(C) recalls entering (b)(6); (b)(7)(C) room with (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C)

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Reviewed By (Initials): (b)(6);

Date: (b)(6);

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

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Appendix B

United States Merchant Marine Academy

Rights of Midshipmen Accused of Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking

1. You have the right to be notified of the complaint against you, and of a prompt, fair and impartial investigation, and appropriate resolution, of it. This includes an opportunity to present documents, names of relevant witnesses, and other evidence to the investigator.
2. You have the right to have an advisor of your choice support and accompany you at all times throughout the proceedings, including at all interviews and during the entirety of any hearing (except deliberations) that may result from the complaint against you. Your advisor may be an attorney retained at your own expense. You will be expected to respond directly to all inquiries during the course of the investigation and any subsequent hearing, and not through your advisor or attorney.
3. You have the right to refrain from making self-incriminating statements. However, the Academy will make a determination of responsibility based on the information available to it.
4. You have the right to know the potential sanctions that may be imposed against you if you are found responsible for the complaint against you, which include all the disciplinary sanction for a Class I violation set forth in the Midshipman Regulations, up to and including disenrollment.
5. You have the right to not have [irrelevant] prior sexual history admitted as evidence in any hearing pertaining to the complaint against you.
6. You have the right to be informed, in writing, of the outcome and sanction (if issued) of any hearing resulting from the complaint against you.
7. You have the right to appeal the outcome and sanction (if issued) of any hearing resulting from the complaint against you, in accordance with the procedures for appeal established by the Academy.
8. You have the right not to be harassed or retaliated against by the Complainant or anyone else at the Academy as a result of the allegations made against you. If you believe you have been retaliated against, you should immediately notify [whom]. Similarly, you must not harass or retaliate against the Complainant or anyone else involved in the investigation.
9. You have the right to have your name and all information related to the complaint against you kept as confidential as is reasonably possible. Absolute confidentiality cannot be guaranteed. However, all persons involved in the investigation of the complaint against you are advised to respect the privacy of the individuals involved, and to keep the matter as confidential as is reasonably possible.
10. You have all the other rights for Respondents set out in the following Academy policies: [list policies]

I, (b)(6) (print name), acknowledge receipt of this document and
paragraph 10, above.

(b)(6)

(b)(6); (b)(7)(C)

Date

Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6); (b)(7)(C)	Date Report Drafted: (b)(6); (b)(7)(C)	Location of Activity: USMMA 300 Steamboat Road Kings Point NY
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6); (b)(7)(C)	Signature: (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C), was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) Public Safety, was also present. After being apprised of the identities of the interviewing agents and the nature of the interview, Garrity Warnings were presented to (b)(6); (b)(7)(C) which (b)(6); (b)(7)(C) read, stated that (b)(6); (b)(7)(C) understood, and signed. It was explained to (b)(6); (b)(7)(C) that the Midshipman Regulation 250 would not apply to (b)(6); (b)(7)(C) during the interview. (b)(6); (b)(7)(C) thereafter stated the following, in substance:

(b)(6); (b)(7)(C) started at the USMMA in approximately (b)(6); (b)(7)(C), during (b)(6); (b)(7)(C) initially lived in (b)(6); (b)(7)(C). After (b)(6); (b)(7)(C) was on (b)(6); (b)(7)(C) for a few weeks, but realized (b)(6); (b)(7)(C) didn't like it. (b)(6); (b)(7)(C) then made (b)(6); (b)(7)(C) is currently a member of (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C)

During (b)(6); (b)(7)(C) for the class of (b)(6); (b)(7)(C) and at the (b)(6); (b)(7)(C) had limited social interactions with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) was on campus during the weekend of (b)(6); (b)(7)(C). On the (b)(6); (b)(7)(C) had dinner with friends on campus. After dinner, someone went to buy beer, and (b)(6); (b)(7)(C) started drinking in (b)(6); (b)(7)(C) room. At approximately (b)(6); (b)(7)(C) hours, (b)(6); (b)(7)(C) went to (b)(6); (b)(7)(C) for 'OOD', also known as 'bunk check', which is usually done later on weekends. After (b)(6); (b)(7)(C) bumped into (b)(6); (b)(7)(C) who was on (b)(6); (b)(7)(C) spoke briefly, for maybe about five (5) minutes. (b)(6); (b)(7)(C) stated that no one had drinks at the (b)(6); (b)(7)(C) didn't have a drink at that time either. (b)(6); (b)(7)(C) stated that it's normal to (b)(6); (b)(7)(C) likely spoke a little about classes, and had a friendly conversation. After they finished talking, (b)(6); (b)(7)(C) went outside of the building (b)(6); (b)(7)(C) and on the way back to (b)(6); (b)(7)(C) doesn't recall seeing or talking to (b)(6); (b)(7)(C) went up to (b)(6); (b)(7)(C) room, on (b)(6); (b)(7)(C) and drank more beer. At this point, (b)(6); (b)(7)(C) drank about five (5) beers. At this time, (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) was going back to (b)(6); (b)(7)(C) room to go to sleep.

After (b)(6); (b)(7)(C) left, (b)(6); (b)(7)(C) messaged (b)(6); (b)(7)(C) on Facebook, and probably just asked (b)(6); (b)(7)(C) wanted to come upstairs and hang out with (b)(6); (b)(7)(C) and the other (b)(6); (b)(7)(C). This was the first time (b)(6); (b)(7)(C) had any electronic communication with (b)(6); (b)(7)(C) replied yes, and that (b)(6); (b)(7)(C) would be up there later. (b)(6); (b)(7)(C) then left the room, likely to go (b)(6); (b)(7)(C) may have seen (b)(6); (b)(7)(C) at this point, and said something to (b)(6); (b)(7)(C) like, "I will be right back." (b)(6); (b)(7)(C) is pretty sure that after (b)(6); (b)(7)(C) finished (b)(6); (b)(7)(C) messaged (b)(6); (b)(7)(C) a second time and said (b)(6); (b)(7)(C) could come up now, that (b)(6); (b)(7)(C) was back. At some point after the second message, (b)(6); (b)(7)(C) came up to (b)(6); (b)(7)(C) met (b)(6); (b)(7)(C) in the hallway, outside the room. Together they walked toward (b)(6); (b)(7)(C) room; the door was locked. (b)(6); (b)(7)(C) knocked on the door. While (b)(6); (b)(7)(C) waited for someone to open the door, (b)(6); (b)(7)(C) came up behind (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). Shortly thereafter, someone opened the door. (b)(6); (b)(7)(C) recalls that when (b)(6); (b)(7)(C) walked

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6)	Date Report Drafted: (b)(6)	Location of Activity: USMMA 300 Steamboat Road Kings Point NY
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6)	Signature: (b)(6)

into (b)(6) room, the lights were on and music was playing. The music was loud, but you could still hold a conversation.

At this point, (b)(6) probably drank a total of six (6) beers; (b)(6) believes it was approximately (b)(6) (b)(6) believes someone handed (b)(6) a beer. For approximately the next fifteen (15) to twenty (20) minutes, (b)(6) was talking with (b)(6) in the room more than with (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) stated that (b)(6) said, "Yes." (b)(6) told the (b)(6) would see them later. (b)(6); (b)(7)(C) took their beers, left (b)(6) room and walked to (b)(6) room, which was about twenty (20) feet away.

(b)(6); (b)(7)(C)

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6)	Date Report Drafted: (b)(6)	Location of Activity: USMMA 300 Steamboat Road Kings Point NY
Subject of Activity: (b)(6) (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6)	Signature: (b)(6)

(b)(6) recalls a (b)(6) (b)(7)(C) came by (b)(6) room; (b)(6) probably stayed out in the hall. (b)(6) recalls at this point there was a mention of (b)(6) leaving (b)(6) room. (b)(6) heard this, and (b)(6) recalled (b)(6) had a look of concern. (b)(6) recalls (b)(6) said something like, (b)(6); (b)(7)(C) (b)(6) (b)(6) probably asked (b)(6) what (b)(6) meant by that, but doesn't recall what (b)(6) said. At approximately (b)(6) went back to (b)(6) room and went to sleep.

The following day, (b)(6) either messaged (b)(6) or verbally told (b)(6) that (b)(6) left (b)(6) in (b)(6) room. At some point during the day, (b)(6) knocked on (b)(6) door, and (b)(6) gave (b)(6) belongings. (b)(6) can't recall if it was anything other than (b)(6) (b)(6) never came into the room at this point. (b)(6) asked (b)(6) if everything was okay with the night before. (b)(6) stated that (b)(6) replied, "Yeah, everything is fine." (b)(6) may have said a couple of more things, but (b)(6) can't recall exactly what else (b)(6) said. (b)(6) left and (b)(6) didn't see (b)(6) again that day. (b)(6) (b)(7)(C) (b)(6); (b)(7)(C)

what had gone on. Generally, (b)(6) didn't really speak to anyone about (b)(6) and (b)(6). But somehow rumors spread, and some of (b)(6) found out.

Approximately a week or so later, (b)(6) messaged (b)(6) on Facebook, and asked if they could talk. (b)(6) said yes, and that (b)(6) can come by at any point. (b)(6) went to (b)(6) room that evening. (b)(6) was in (b)(6) room at the time. When (b)(6) came into the room, (b)(6) left to use the bathroom. (b)(6) was sitting in (b)(6) chair, and (b)(6) sat down in (b)(6) chair. (b)(6) told (b)(6) that (b)(6) (b)(7)(C) (b)(6) told (b)(6) that (b)(6) (b)(7)(C) "hooked up." (b)(6) asked (b)(6) if (b)(6) thought (b)(6) had been sexually assaulted. (b)(6) asked (b)(6) if everything was okay with that night and did (b)(6) have any problems with what happened. (b)(6) told (b)(6) there were no problems, it was completely consensual. (b)(6) told (b)(6) that everything was fine. (b)(6) returned to the room, and the three of them talked. Nothing was discussed about (b)(6) (b)(7)(C) "hooking up." A few minutes later, (b)(6) left the room and went to the bathroom. When (b)(6) got back to the room, the three of them continued to talk. (b)(6) then left a few minutes later. (b)(6) was in (b)(6) room for a total of approximately thirty (30) minutes.

After this encounter, (b)(6) (b)(7)(C) only had conversations in passing in the hallways of (b)(6). A couple of months later, (b)(6) added (b)(6) to (b)(6) Snap Chat account. (b)(6) may have sent (b)(6) a message on Snap Chat that night, probably just saying, "Hi." For about the next week or so, (b)(6) (b)(7)(C) probably exchanged four (4) or five (5) messages on Snap Chat. The initial messages were simply friendly communications. Then (b)(6) sent (b)(6) a message with a photo of (b)(6) (b)(7)(C) the message said something like, (b)(6) (b)(6) (b)(7)(C) didn't take or save a snapshot of this text or photo. (b)(6) believes (b)(6) told (b)(6) (b)(6) about the message and photo. (b)(6) may have responded to (b)(6) message, but (b)(6) doesn't recall. (b)(6) wasn't interested in pursuing (b)(6) felt they were on good terms at this point. (b)(6) doesn't recall any further interactions with (b)(6).

(b)(6) left campus in approximately (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) flew home to (b)(6). While at home, (b)(6) heard from (b)(6) about the restricted report that (b)(6) filed. (b)(6) heard about it from an (b)(6) (b)(7)(C) possibly (b)(6) (b)(7)(C) told (b)(6) that (b)(6) might have been reported for a sexual assault against

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6); (b)(7)(C)	Date Report Drafted: (b)(6); (b)(7)(C)	Location of Activity: USMMA 300 Steamboat Road Kings Point NY
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6); (b)(7)(C)	Signature: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) went to (b)(6); (b)(7)(C) from approximately (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C). On approximately (b)(6); (b)(7)(C) left for (b)(6); (b)(7)(C) and headed out to the (b)(6); (b)(7)(C).

Sometime in approximately the middle of (b)(6); (b)(7)(C) received a call from (b)(6); (b)(7)(C) who said (b)(6); (b)(7)(C) heard it was true that (b)(6); (b)(7)(C) was being reported for a sexual assault against (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) spoke with (b)(6); (b)(7)(C) who told (b)(6); (b)(7)(C) that if (b)(6); (b)(7)(C) called (b)(6); (b)(7)(C) and apologized, (b)(6); (b)(7)(C) would drop all of the charges. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) said something about (b)(6); (b)(7)(C).

Approximately one (1) month ago, (b)(6); (b)(7)(C) called (b)(6); (b)(7)(C) and mentioned (b)(6); (b)(7)(C) also accused (b)(6); (b)(7)(C) understood that (b)(6); (b)(7)(C) meant (b)(6); (b)(7)(C) was accused of some kind of sexual misconduct.

Since being back on campus on (b)(6); (b)(7)(C) has only seen (b)(6); (b)(7)(C) in the distance; they haven't spoken to each other. Approximately a few days before returning to campus, (b)(6); (b)(7)(C) received an email from (b)(6); (b)(7)(C) who said (b)(6); (b)(7)(C) wanted to see (b)(6); (b)(7)(C) when (b)(6); (b)(7)(C) got back to campus. (b)(6); (b)(7)(C) met with (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) had to sign a no-contact agreement, saying that (b)(6); (b)(7)(C) wouldn't contact (b)(6); (b)(7)(C) verbally or electronically.

(b)(6); (b)(7)(C) hadn't been romantic with a (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) dorm room before or after (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) didn't know why (b)(6); (b)(7)(C) would file charges against (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) felt comfortable their encounter was completely consensual. (b)(6); (b)(7)(C) were friendly both before and after. (b)(6); (b)(7)(C) heard that (b)(6); (b)(7)(C) has (b)(6); (b)(7)(C).

Reviewed By (Initials): D H

Date: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

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Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6); (b)(7)(C)	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Park NY 11024
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)

On (b)(6); (b)(7)(C) was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C) at the United States Merchant Marine Academy (USMMA), located at 300 Steamboat Road Kings Point, NY 11024. After being apprised of the identities of the interviewing agents and the nature of the interview, (b)(6); stated the following, in substance:

(b)(6); (b)(7)(C) but isn't sure of the name of the dormitory (h) currently lives in. When (h) was a (b)(6); (h)(6); lived in (b)(6); (b)(7)(C) was on the (b)(6); (b)(7)(C) chose not (b)(6); in an attempt to (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) during (b)(6); (b)(7)(C) recalls that (h) was on campus during the weekend that led to (h)(6); filing a sexual assault report against (b)(6); (b)(7)(C) though (h) doesn't recall specifically that it was the weekend of (h)(6);. Initially, (h)(6); didn't recall watching a movie with (h)(6); and (b)(6); (b)(7)(C) in their room on the night leading into the alleged assault, but later during the interview (h) recalled that, in fact, (h) had

At some point, (b)(6); had to leave (b)(6); (b)(7)(C) room and go to (h) dormitory to sign in for 'OOD', a 'bunk check' if you're on campus. (b)(6); recalls returning to (b)(6); and drinking beers with some of the other (h)(6); students, including (b)(6); (b)(7)(C) in (b)(6); room. (b)(6); recalls that at some point, (b)(6); came into the room. This was the first time (b)(6); ever had any interaction with (b)(6);. Prior to (h)(6); coming into (h)(6); room, (h)(6); recalls that (h)(6); asked the (h)(6); if anyone minded if (h)(6); came up to the room. The (h)(6); all kind of said, "Whatever." (b)(6); recalls that when (h)(6); came into the room, someone gave (h) a beer. (b)(6); feels like (h)(6); may have already been drinking before (h) got to (h)(6); room, but (h) can't say for sure. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

At this point, (h)(6); probably drank about (b)(6); (b)(7)(C) probably stayed in (b)(6); room for only a few minutes, and then left with (b)(6); (b)(7)(C) didn't see (h)(6); again that night. (h)(6); came back to (h)(6); room approximately twenty (20) minutes later. Some of the (h)(6); asked (h)(6); what happened, even though they all thought it was obvious where they went. (b)(6); believes (h) recalls (h)(6); saying (h) and (h)(6); had sex. (b)(6); didn't make a big deal about it. (h)(6); (b)(7)(C)

(b)(6); (b)(7)(C) thinks the (h)(6); hung out for a couple of more hours, and had a few more beers; they may have watched another movie. At some point, all the (h)(6); left and went to their rooms.

About one (1) week later, some of the (h)(6); that were both in (b)(6); room that night, and on (b)(6); teased (b)(6); a little bit about what happened with (b)(6); (b)(7)(C) seemed a little embarrassed; (h) didn't brag about it.

(b)(6); (b)(7)(C) While away, (h)(6); called (h)(6); via FaceTime, and told (h)(6); that (h)(6); put in an unrestricted report against (b)(6); told (h)(6); that (h)(6); apparently

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Park NY 11024
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6);	Signature: (h)

told (b)(6); that (b)(6); (b)(7)(C) didn't speak about the incident again, until (h)(6); told (b)(6); that (b)(6); (b)(7)(C) emailed (b)(6); and said there was a report filed against (b)(

Approximately one (1) month ago, (h)(6); told (h)(6); that (h)(6); might get called in and get questioned about the situation that night. (h)(6); was surprised (h) was going to be questioned. (h)(6); asked (h)(6); if (h) recalled that night, and (h)(6); said that (h) did. (b)(6); couldn't believe that (b)(6); even filed a report, based on (h) recollection of how (b)(6); was interested in being with (b)(6);

Reviewed By (Initials): D H

Date: (h)(6);

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

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Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity:
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

On (b)(6); (b)(7)(C);, was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C);. After being apprised of the identities of the interviewing agents and the nature of the interview, Garrity Warnings were presented to (b)(6); which (b)(6); read, stated that (b)(6); understood, and signed. It was explained to (b)(6); that the Midshipman Regulation 250 would not apply to (b)(6); during the interview. (b)(6); thereafter stated the following, in substance:

(b)(6); at the USMMA, and (b)(6); (b)(7)(C);. During the weekend of (b)(6); (b)(7)(C); was (b)(6); (b)(7)(C); and (b)(6); (b)(7)(C);. Other (b)(6); that (b)(6); (b)(7)(C); were (b)(6); (b)(7)(C);. They all (b)(6); (b)(7)(C);.

(b)(6); (b)(7)(C); are friends; they also (b)(6); (b)(7)(C); together. On (b)(6); (b)(7)(C); (b)(6); (b)(7)(C); told (b)(6); that (b)(6); got drunk the night before and had sex with (b)(6); (b)(7)(C);. (b)(6); (b)(7)(C); said that (b)(6); was (b)(6); when it happened. (b)(6); entered one of the (b)(6); rooms where a bunch of (b)(6); were drinking. (b)(6); told (b)(6); that (b)(6); (b)(6);. At some point, (b)(6); asked (b)(6); if (b)(6); wanted to go to (b)(6); room; (b)(6); said yes. (b)(6); said (b)(6); and (b)(6); had sex in (b)(6); room, and then (b)(6); (b)(7)(C); went back to the room where the (b)(6); were still drinking. After they finished (b)(6); told (b)(6); not to hook up with anymore (b)(6); (b)(7)(C); acknowledged that statement. (b)(6); went back to (b)(6); room; (b)(6); isn't sure where (b)(6); went. (b)(6); (b)(7)(C);. (b)(6); (b)(7)(C);.

(b)(6); left campus in approximately early (b)(6); (b)(7)(C); text each other periodically. On approximately (b)(6); (b)(7)(C); sent (b)(6); a text that read, (b)(6); (b)(7)(C);. (b)(6); (b)(7)(C);. (b)(6); (b)(7)(C); (b)(6); (b)(7)(C); replied and said, (b)(6); (b)(7)(C);. (b)(6);.

On (b)(6); (b)(7)(C); was the (b)(6); and was taking accountability of (b)(6); (b)(7)(C);. (b)(6); (b)(6); with (b)(6); who was (b)(6); (b)(7)(C); asked (b)(6); if they could speak. (b)(6); walked over to a (b)(6); (b)(7)(C); where (b)(6); propped the door open. (b)(6); told (b)(6); (b)(7)(C);.

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6)	Date Report Drafted: (b)(6)	Location of Activity:
Subject of Activity: (b)(6)	Activity Conducted By (Name(s)): (b)(6)	Signature: (b)

(b)(6) recalls (b)(6) telling (b)(6) was going to file a sexual harassment report against (b)(6) told (b)(6) (b)(6) was an adult, and (b)(6) should make (b)(6) own decisions. (b)(6) told (b)(6) that if (b)(6) speaks to (b)(6) and has (b)(6) contact (b)(6) and apologize, (b)(6) wouldn't press any charges. (b)(6) finished talking at approximately (b)(6). At approximately (b)(6) input (b)(6) cell phone number into (b)(6) cell phone, and sent (b)(6) a text that said, (b)(6) (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

On approximately (b)(6); (b)(7)(C) told (b)(6) to call (b)(6). When (b)(6) called, (b)(6) told (b)(6) about (b)(6) conversation with (b)(6) told (b)(6) that (b)(6) wants to talk to (b)(6) about what went down. (b)(6) told (b)(6) that (b)(6) wanted an apology, and wouldn't press charges if (b)(6) got one. (b)(6) stated that (b)(6) said something like, (b)(6) (b)(7)(C) 'We had consensual sex.' (b)(6) doesn't know if (b)(6) ever contacted (b)(6).

On approximately (b)(6); (b)(7)(C) told (b)(6) that (b)(6) texted (b)(6) to try and get together to talk. At this point, (b)(6) told (b)(6) that (b)(6) didn't want to be involved, and walked away.

On approximately (b)(6); (b)(7)(C) went to (b)(6) because (b)(6) knows (b)(6) are friends. (b)(6) knew that (b)(6) had discussed the alleged sexual assault. (b)(6) told (b)(6) that (b)(6) didn't want anything else to do with the issue. (b)(6) told (b)(6) that (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) doesn't recall anything else from (b)(6) discussion with (b)(6) on (b)(6). (b)(6) hasn't spoken with (b)(6) about the incident since.

On approximately (b)(6) told (b)(6) that if this case goes any further, investigators will probably come talk to you. At some point after this conversation with (b)(6) told (b)(6) that (b)(6) thinks (b)(6) and someone else were in the room with (b)(6); (b)(7)(C) kind of "freaked out", and said it doesn't make sense. (b)(6) told (b)(6) was going to call a lawyer. (b)(6) has tried to continue this conversation with (b)(6), but (b)(6) told (b)(6): (b)(6) doesn't want to be involved.

(b)(6); (b)(7)(C) came to (b)(6) room sometime in the last two weeks. (b)(6) told (b)(6) heard that (b)(6) had a conversation with (b)(6); (b)(7)(C) asked (b)(6) if (b)(6) had any text messages about the issue. (b)(6) said (b)(6) did not, except for the one text (b)(6) got from (b)(6); (b)(7)(C) got the impression (b)(6) was asking about any texts from (b)(6); (b)(7)(C).

(b)(6) went to (b)(6); (b)(7)(C) on approximately (b)(6); (b)(7)(C) explained that (b)(6) wants nothing to do with the (b)(6) situation. Approximately one (1) or two (2) days later, (b)(6) had a brief meeting with (b)(6); (b)(7)(C) on the matter.

On approximately (b)(6); (b)(7)(C) met with (b)(6); (b)(7)(C) informed (b)(6) that there will be a no contact order in place for (b)(6).

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6):	Date Report Drafted: (b)(6):	Location of Activity:
Subject of Activity: (b)(6):	Activity Conducted By (Name(s)): (b)(6):	Signature: (b)(6):

Reviewed By (Initials): D H

Date: (b)(6):

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Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)

On (b)(6); (b)(7)(C) was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C). After being apprised of the identities of the interviewing agents and the nature of the interview, agents reviewed the Garrity Warnings signed by (b)(6) on (b)(6); (b)(6); stated that (b) understood the warnings still applied, and thereafter, stated the following, in substance:

(b)(6); (b)(7)(C) are friendly acquaintances at the Academy. (b)(6); spoke about the events that occurred over (b)(6); (b)(7)(C) related to (b)(6); texts to (b)(6); about (b) sexual harassment towards (b)(6); stated to (b)(7)(C) that (b)(6); might try to use that to show (b)(6); The first time (b)(6) heard that (b)(6); may have been in the room where (b)(6); was allegedly assaulted was during a conversation (b) had with (b)(6) over (b)(6);

(b)(6); (b)(7)(C)

Reviewed By (Initials): D H

Date: (b)(6);

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STATEMENT OF (b)(6)

(b)(6)

(b)(6)

unable to review and sign.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

From: (b)(6)@midshipman.usmma.edu>
Sent: Monday, (b)(6); (b)(7)(C) 10:52 PM
To: (b)(6);
Subject: (b)(6) SAPR Witness Report

(b)(6)

Here is my witness report regarding the incident with (b)(6)

Witness Report,

(b)(6)

Very Respectfully,

(b)(6)

(b)(6); (b)(7)(C)

STATEMENT OF (b)(6)

(b)(6)

(b)(6); (b)(7)(C)

Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: Telephonic
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

On (b)(6); (b)(7)(C) United States Merchant Marine Academy (USMMA), was interviewed telephonically by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C). After being apprised of the identity of the interviewing agent, and the nature of the interview, (b)(6); stated the following, in substance:

(b)(6); reported to the USMMA for (b)(6); in approximately (b)(6); (b)(7)(C) lives in (b)(6); on (b)(6); roommate is (b)(6); (b)(7)(C) initially met (b)(6); when they (b)(6); (b)(7)(C) (b)(6); in the school year. (b)(6); (b)(7)(C) had limited interactions leading up to the weekend of (b)(6); (b)(7)(C) recalls that (b)(6); helped (b)(6); with (b)(6); homework for a couple of hours on Friday night of that weekend. (b)(6); can't recall if (b)(6); was on (b)(6); Friday or Saturday of that weekend. (b)(6); recalls being with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) was in (b)(6); (b)(7)(C) shared a (b)(6); can of beer in (b)(6); room earlier that night, approximately two (2) or three (3) hours prior to the start of (b)(6); believes (b)(6); and (b)(6); also had pizza with other (b)(6); at about that time.

Starting at (b)(6); (b)(7)(C) talked and did homework for about one (1) hour. At approximately (b)(6); other students (b)(6); (b)(7)(C) with alcohol. (b)(6); can't recall who these students were; (b)(6); doesn't think (b)(6); really knew them. (b)(6); recalled one of the students poured a cup of (b)(6); (b)(6); (b)(7)(C) and gave it to (b)(6); told (b)(6); that (b)(6); didn't think it was a good idea for (b)(6); to drink, and took the drink away from (b)(6); stated that (b)(6); drank some of it for (b)(6); and then (b)(6); wanted to drink, and took the drink back. (b)(6); wound up sharing that drink. There were a bunch of students in the area, including some (b)(6); who said they were going to get more alcohol. (b)(6); believes they left campus to get more alcohol.

(b)(6); recalls that (b)(6); (b)(7)(C) and some of the (b)(6); sent (b)(6); a Face Book message, told (b)(6); they had alcohol, and asked (b)(6); to come up to the room. (b)(6); (b)(7)(C) and went to someone's room. (b)(6); stayed (b)(6); (b)(7)(C) At some point (b)(6); started to walk through (b)(6); (b)(7)(C) to try to find (b)(6); also went to (b)(6); room, but (b)(6); wasn't there. (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

At approximately (b)(6); went to bed. At about this time, (b)(6); came back to the room. (b)(6); talked about how it was strange that (b)(6); wasn't anywhere to be found. (b)(6); went to the bathroom about a minute later. (b)(6); walked out of the room as well, looked down the hall and saw that (b)(6); (b)(7)(C) (b)(6); walked over there first, and then (b)(6); walked over to (b)(6); (b)(7)(C) noticed that (b)(6); (b)(7)(C)

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(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

in (b)(6); room and helped out. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

The next day, (b)(7)(C) checked on (b)(6); seemed okay. (b)(6); (b)(7)(C) Moving forward, (b)(6); became good friends. (b)(7)(C) heard rumors that something may have happened the night

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) eventually decided to file a Restricted Report, and asked (b)(7)(C) to go with (b)(7)(C)

(b)(7)(C) left campus at approximately the (b)(6); (b)(7)(C) Sometime between the time (b)(6); filed (b)(7)(C) initial report and after (b)(6); (b)(7)(C) filed an Unrestricted Report. (b)(6);

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Some students knew that (b)(6); were dating. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Reviewed By (Initials): D H

Date: (b)(6);

(b)(6); (b)(7)(C)

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Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

On (b)(6); (b)(7)(C), was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C) at the United States Merchant Marine Academy (USMMA), located at 300 Steamboat Road Kings Point, NY 11024. (b)(6); (b)(7)(C) Public Safety, was also present. After being apprised of the identities of the interviewing agents and the nature of the interview, Garrity Warnings were presented to (b)(6); which (b)(6); read, stated that (b)(6); understood, and signed. It was explained to (b)(6); that the Midshipman Regulation 25C would not apply to (b)(6); during the interview. (b)(6); thereafter stated the following, in substance:

(b)(6); was on USMMA grounds during the weekend of (b)(6); (b)(7)(C). On (b)(6); after finishing dinner at approximately (b)(6); (b)(7)(C) and approximately (b)(6); other students were drinking beer and either watching a movie or playing video games in (b)(6); dorm room in (b)(6);. Some of the other students were (b)(6); (b)(7)(C) recalls that sometime between approximately (b)(6); and (b)(6); hours (b)(6); and a couple of the (b)(6); left (b)(6); to go out to the (b)(6);. At about this time, (b)(6); also signed in for 'OOD', as students are required to sign in when on campus. After finishing (b)(6); at approximately (b)(6); hours, (b)(6); remembers going to (b)(6); room to go to bed. (b)(6); recalls (b)(6); and (b)(6); went to another room, and probably drank more.

(b)(6); recalls that (b)(6); (b)(7)(C) on this evening. (b)(6); recalls seeing (b)(6); at the (b)(6); on (b)(6); (b)(7)(C) probably said hello to (b)(6); (b)(7)(C). When (b)(6); came back into (b)(6); after (b)(6); (b)(7)(C) didn't see (b)(6); (b)(7)(C) stated that (b)(6); did not have drinks with (b)(6); at any point during this evening.

After returning to (b)(6); room, (b)(6); was likely on (b)(6); phone for a while, and tried to fall asleep. The next thing (b)(6); recalls is (b)(6); (b)(7)(C) entering the room; (b)(6); recognized (b)(6); voice when (b)(6); entered the room. (b)(6); recalls that (b)(6); was facing the wall, with (b)(6); back to (b)(6); (b)(7)(C).
(b)(6); (b)(7)(C)

(b)(6); must have fallen asleep; (b)(6); doesn't recall hearing (b)(6); leaving the room. When (b)(6); woke up the next morning, (b)(6); wasn't in the room; (b)(6); was still sleeping.

(b)(6); next interaction with (b)(6); was probably at either breakfast or lunch. (b)(6); asked (b)(6); what happened the night before. (b)(6); recalls (b)(6); saying (b)(6); 'hooked up', but (b)(6); doesn't recall (b)(6); saying they had 'sex'. (b)(6); told (b)(6); that (b)(6); was in the room. (b)(6); thinks (b)(6); probably thought (b)(6); was asleep. (b)(6); really didn't speak much more about the matter at that time.

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6); (b)(7)(C)	Date Report Drafted: (b)(6); (b)(7)(C)	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6); (b)(7)(C)	Signature: (b)(6); (b)(7)(C)

Prior to this experience, (b)(6); (b)(7)(C) has heard of students drinking while (b)(6); (b)(7)(C) has no knowledge as to whether or not (b)(6); (b)(7)(C) was drinking that night. (b)(6); (b)(7)(C) stated, again, that (b)(6); (b)(7)(C) didn't drink at all with (b)(6); (b)(7)(C) that night. Generally speaking, (b)(6); (b)(7)(C) has limited interactions with (b)(6); (b)(7)(C).

A few days later, (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) didn't see any of (b)(6); (b)(7)(C). Other than (b)(6); (b)(7)(C) doesn't recall any direct communication between (b)(6); (b)(7)(C). Rumors were going around campus about (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) hooking up. When (b)(6); (b)(7)(C) heard anyone discussing the rumors, (b)(6); (b)(7)(C) tried to limit them from spreading any further, by telling people that they didn't need to continue discussing it.

(b)(6); (b)(7)(C) first heard about a report being filed when (b)(6); (b)(7)(C) received an email from (b)(6); (b)(7)(C) for approximately (b)(6); (b)(7)(C), and (b)(6); (b)(7)(C) informed (b)(6); (b)(7)(C) through an email that (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C) in a campus investigation. (b)(6); (b)(7)(C) corresponded with (b)(6); (b)(7)(C) via email, and informed that (b)(6); (b)(7)(C) didn't know what the investigation was about, until (b)(6); (b)(7)(C) when (b)(6); (b)(7)(C) met up with (b)(6); (b)(7)(C) in the (b)(6); (b)(7)(C) near (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) was going to be a (b)(6); (b)(7)(C) in a campus investigation; (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) it was probably about (b)(6); (b)(7)(C). After this encounter, (b)(6); (b)(7)(C) didn't correspond with anyone about the issue. (b)(6); (b)(7)(C) didn't correspond with (b)(6); (b)(7)(C) while (b)(6); (b)(7)(C). Between approximately (b)(6); (b)(7)(C) didn't speak with (b)(6); (b)(7)(C) other than to confirm they were going to be roommates again.

Since (b)(6); (b)(7)(C) returned to campus on approximately (b)(6); (b)(7)(C) has had limited conversations with (b)(6); (b)(7)(C) about the investigation; they didn't really speak of any substance about it, other than to say they were both going to speak to investigators. (b)(6); (b)(7)(C) paraphrased (b)(6); (b)(7)(C) as saying, (b)(6); (b)(7)(C). Sometime between approximately (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) spoke with investigators, and that they only discussed (b)(6); (b)(7)(C) background. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) didn't speak with the investigators about anything else.

Reviewed By (Initials): D.H.
(b)(6); (b)(7)(C)

Date: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

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STATEMENT OF (b)(6)

(b)(6)

(b)(6); (b)(7)(C)

From: (b)(6)@midshipman.usmma.edu>
Sent: Wednesday, (b)(6); (b)(7)(C) 6:27 AM
To: (b)(6); (b)(7)(C)
Subject: Witness Statement for (b)(6)

(b)(6); (b)(7)(C)

Since I do not have access to the internet on my computer at this time, I am composing my witness statement over email on my phone.

(b)(6)

Very Respectfully,

(b)(6)

United States Merchant Marine Academy

(b)(6)

(b)(6);
(b)(7)(C)

Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: Telephonic
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

On (b)(6); (b)(7)(C) United States Merchant Marine Academy (USMMA), was interviewed telephonically by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C). After being apprised of the identity of the interviewing agent, and the nature of the interview, (b)(6); stated the following, in substance:

(b)(6); is in (b)(6); and lives (b)(6); in (b)(6); (b)(7)(C). (b)(6); is on the USMMA (b)(6); (b)(7)(C). (b)(6); recalls that on most of the afternoon of (b)(6); (b)(7)(C) was at (b)(6);. After dinner that evening, (b)(6); was hanging out in his room with some friends. (b)(6); came by (b)(6); room once or twice that evening. (b)(6); was friends with (b)(6); (b)(7)(C). (b)(6); didn't know that (b)(6); (b)(7)(C) (b)(6); that night; (b)(6); found out later when (b)(6); woke up in the middle of the night. (b)(6); stayed in (b)(6); room most of the night and probably went to bed around (b)(6);. (b)(6); didn't see (b)(6); drinking alcohol that night. At approximately (b)(6); woke up and had to go to the bathroom. At this time, (b)(6); saw (b)(6); (b)(7)(C) (b)(6); (b)(7)(C).

Once in the room, (b)(6); asked (b)(6); roommates for help. (b)(6); noticed that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) recalls that (b)(6); left (b)(6); room right after (b)(6);.

Prior to this evening, (b)(6); didn't really know (b)(6); that well. (b)(6); (b)(7)(C) and recognized (b)(6); from that time. (b)(6); spoke about what happened that night on a few occasions. (b)(6); heard some rumors about what happened that night. (b)(6); told (b)(6); that (b)(6); may have been sexually assaulted. (b)(6); said that some (b)(6); were drinking and (b)(6); may have met up and drank with them. (b)(6); thought that based on what they saw, how they (b)(6); (b)(7)(C) and what they were hearing around campus, (b)(6); may have been sexually assaulted.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) understands that (b)(6); drinking, on campus, has always been a Class 1 offense. (b)(6); isn't sure if that has changed since he has been (b)(6); (b)(6); (b)(7)(C) A Class 1 offense is

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the worst offense, and the punishment is ten (10) weeks of campus restrictions and fifty (50) to one hundred (100) hours of extra duty. (b)(6); (b)(7)(C)

(b)(6) isn't sure what the punishment is for a Class 2 offense. The academy may take it on as a 'case by case' basis. A Class 3 offense is issued to students for minor infractions.

Reviewed By (Initials): D H

Date: (b)(6):

(b)(6); (b)(7)(C)

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STATEMENT OF (b)(6)

(b)(6)

Signed :

(b)(6)

STATEMENT OF (b)(6)

(b)(6)

(b)(6) is unable to review and sign.

(b)(6); (b)(7)(C)

Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

On (b)(6); (b)(7)(C) was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C). After being apprised of the identities of the interviewing agents, and the nature of the interview, (b)(6) stated the following, in substance:

(b)(6); (b)(7)(C) During (b)(6); which was from approximately (b)(6); (b)(6); lived in (b)(6); with (b)(6); (b)(7)(C) Once school started after (b)(6); lived in (b)(6); with (b)(6); (b)(7)(C)

During the evening of (b)(6); at approximately (b)(6); was hanging out with (b)(6); on (b)(6); (b)(6); (b)(7)(C). Several students walked past (b)(6); (b)(7)(C) while they were talking. (b)(6) recalls that (b)(6) was taking place this evening. (b)(6); was scheduled for (b)(6); starting at (b)(6) but (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) asked (b)(6) if (b)(6) could (b)(6); because (b)(6); had been drinking. (b)(6) told (b)(6); she couldn't (b)(6); because (b)(6); (b)(7)(C) recently. (b)(6) stated that (b)(6); was acting "tipsy." After this conversation, (b)(6); went back to the room to get (b)(6); (b)(6); later told (b)(6) that (b)(6); had come into the room, said "hi", changed and walked out. (b)(6) asked (b)(6) if (b)(6); seemed drunk; (b)(6) said no. (b)(6) believes that while (b)(6); was initially (b)(6); (b)(7)(C) was talking with (b)(6); (b)(7)(C)

(b)(6); went to bed at approximately (b)(6); At approximately (b)(6); and (b)(6) other (b)(6); (possibly (b)(6); and a (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

After (b)(6); (b)(7)(C) wasn't able to fall back to sleep. At (b)(6); and the other (b)(6); (b)(6); (b)(7)(C)

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

called a "meeting" with some of the other (b)(6); (b)(7)(C) were there. They talked about what happened with (b)(6); the night before, and that (b)(6); was probably going to get into trouble for drinking (b)(6); (b)(6); (b)(7)(C) complained about being awake from (b)(6); (b)(7)(C) didn't make it to (b)(6); cleaning station.

Later that morning, (b)(6) told (b)(6); to go and talk to (b)(6); about what happened the night before. (b)(6); came back from meeting with (b)(6); and told (b)(6); (b)(7)(C) (b)(6); (b)(6); (b)(7)(C) the night before. The (b)(6); told (b)(6); what they heard from (b)(6); again (b)(6); (b)(6); (b)(6);

Later that day, (b)(6); (b)(6); (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

Over the next few days, students from (b)(6); talked about what happened; they also discussed that they should try and keep this within (b)(6); Within approximately one (1) week, rumors started spreading around campus. (b)(6) believes that after the rumors started spreading, (b)(6); began to question whether or not something actually happened between (b)(6); (b)(7)(C)

Approximately a few weeks later, (b)(6); (b)(7)(C) At about this time, (b)(6); started talking with (b)(6) and (b)(6); about the night (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

Approximately a week or so after (b)(6); (b)(7)(C) some of the (b)(6); joked around with (b)(6); about the night (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) laughed at these jokes.

(b)(6) heard from (b)(6); that (b)(6); was going to file a harassment claim against (b)(6); showed (b)(6) a text that (b)(6) got from (b)(6); about the claim (b)(6); was going to file. (b)(6); asked (b)(6) about (b)(6); (b)(6); also asked (b)(6) if (b)(6) thinks (b)(6) did anything wrong. (b)(6); was kind of 'freaking out' over (b)(6); filing a harassment claim against (b)(6); (b)(7)(C) had a friendly relationship. (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); was going to file a complaint against (b)(6); because (b)(6); was spreading rumors about (b)(6);

Reviewed By (Initials): D H

Date: (b)(6);

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STATEMENT OF (b)(6)

(b)(6)

(b)(6)

unable to review and sign.

(b)(6); (b)(7)(C)

Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6); (b)(7)(C)	Date Report Drafted: (b)(6); (b)(7)(C)	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6); (b)(7)(C)	Activity Conducted By (Name(s)): (b)(6); (b)(7)(C)	Signature: (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C). After being apprised of the identities of the interviewing agents and the nature of the interview, (b)(6); (b)(7)(C) stated the following, in substance:

(b)(6); (b)(7)(C) at approximately (b)(6); (b)(7)(C). Upon returning, (b)(6); (b)(7)(C) heard from (b)(6); (b)(7)(C) that some (b)(6); (b)(7)(C) got (b)(6); (b)(7)(C) drunk (b)(6); (b)(7)(C) and had sex with (b)(6); (b)(7)(C). At the time, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) is friends with (b)(6); (b)(7)(C). Over the (b)(6); (b)(7)(C), in approximately the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

On approximately (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) was informed about a sexual assault on campus; (b)(6); (b)(7)(C) didn't give (b)(6); (b)(7)(C) name. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

Over the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) texted and talked with each other. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

Within the first couple of days of returning from (b)(6); (b)(7)(C) unrestricted (b)(6); (b)(7)(C) report. (b)(6); (b)(7)(C) was also (b)(6); (b)(7)(C)

In (b)(6); (b)(7)(C) believes (b)(6); (b)(7)(C) met with investigators, as well as (b)(6); (b)(7)(C) Public Safety, at the Academy. (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

In approximately the (b)(6); (b)(7)(C) or the (b)(6); (b)(7)(C) believed that (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C)

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

(b)(6); until (b)(6); (b)(7)(C)

(b)(6); The following day, (b)(6); shared more details with (b)(6); about the assault. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

At the beginning of a (b)(6); class, the teacher, (b)(6); and some of the students were discussing reports of sexual assaults from the Air Force Academy, and elsewhere. One of the students brought up the report from a (b)(6); (b)(7)(C) stated to the group that was a real report. After the class, (b)(6); asked (b)(6); (b)(7)(C)

On Sunday, (b)(6); (b)(7)(C) went to the (b)(6); (b)(7)(C) On the car ride back from the (b)(6); (b)(7)(C)

Later on (b)(6); (b)(7)(C) went to sign back in to campus. (b)(6); was the (b)(6); at that time. (b)(6); asked (b)(6); if (b)(6); could talk to (b)(6); about (b)(6); Right after this conversation, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

While (b)(6); were talking in his room, (b)(6); said that maybe (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

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Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

(b)(6); (b)(7)(C)

(b)(6) believes that at this point, (b)(6); is feeling the "backlash" of the events, and (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) came to (b)(6); room. (b)(6) told (b)(6) that (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6) told (b)(6); what (b)(6) said; and that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) also told (b)(6); that (b)(6); will deny anything (b)(6) says, including deny that (b)(6); (b)(7)(C)

Reviewed By (Initials): D H Date: (b)(6);

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Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6):	Date Report Drafted: (b)(6):	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6):	Activity Conducted By (Name(s)): (b)(6):	Signature: (h)

On (b)(6): (b)(7)(C) was interviewed by United States Department of Transportation, Office of Inspector General (b)(6): (b)(7)(C) at the United States Merchant Marine Academy (USMMA), located at 300 Steamboat Road, Kings Point, NY 11024. After being apprised of the identities of the interviewing agents and the nature of the interview, (b)(6): stated the following, in substance:

(b)(6): (b)(7)(C)

(b)(6): recalls being on campus during the (b)(6): (b)(7)(C) recalls being in (b)(6): and (b)(6): (b)(7)(C) room, (b)(6): watching a movie. (b)(6): were drinking beers at this point. There were no (b)(6): (b)(7)(C) in the room. At some point in the evening, (b)(6): (b)(7)(C) had to sign in for 'OOD', bunk check for those students who don't have liberties and are on campus. (b)(6): had to go across campus to (b)(6): dormitory to sign in. After (b)(6): signed in, (b)(6): returned to (b)(6): and met up with (b)(6): (b)(7)(C) to (b)(6): (b)(7)(C). Either right before 'OOD' or right after, (b)(6): recalls spending a few minutes (b)(6): (b)(7)(C).

(b)(6): (b)(7)(C) recalls a (b)(6): was (b)(6): (b)(7)(C) didn't know who this individual was, but later was told the (b)(6): was a (b)(6): didn't know (b)(6): personally; but, (b)(6): knew (b)(6): name from (b)(6):. At this point, it was probably at the beginning of (b)(6): (b)(7)(C) had drunk a few beers by now. (b)(6): stated that (b)(6): (b)(7)(C) were not drinking (b)(6): (b)(7)(C) heard that (b)(6): may have had a few drinks during (b)(6): but (b)(6): didn't think it appeared as if (b)(6): was drinking.

At approximately (b)(6): (b)(7)(C) went to (b)(6): room to drink beers; (b)(6): went to bed. There were already a couple of students in (b)(6): room, but (b)(6): can't recall who they were. (b)(6): told (b)(6): that (b)(6): wanted to come up to the room. (b)(6): asked (b)(6): if they would be upset about that. It was supposed to be a (b)(6): but no one said they would be upset; no one really cared. At this point, (b)(6): (b)(7)(C) were pretty intoxicated. Another student (b)(6): (b)(7)(C) in the room at some point. (b)(6): recall the music was loud, and some of (b)(6): were singing the lyrics pretty loudly.

When (b)(6): came up to (b)(6): room, (b)(6): was in (b)(6): so (b)(6): (b)(7)(C) was likely (b)(6): (b)(7)(C) recalls (b)(6): holding a beer while (b)(6): was in the room. At this point, (b)(6): recalls talking with another student, while (b)(6): (b)(7)(C) were standing near where (b)(6): was sitting. (b)(6): recalls (b)(6): (b)(7)(C) Approximately twenty (20) minutes later, (b)(6): (b)(7)(C) left (b)(6): room together. At this point, (b)(6): was pretty intoxicated; (b)(6): can't say for sure what state (b)(6): was in.

Sometime between five (5) and twenty (20) minutes after (b)(6): (b)(7)(C) left (b)(6): room, (b)(6): went to (b)(6): room. (b)(6): believes (b)(6): knocked on the door, and then opened it. When (b)(6): opened the door, and looked in; it was completely dark. (b)(6): (b)(7)(C) were standing near the wall looking at a phone. (b)(6): recalls

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Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6);	Activity Conducted By (name(s)): (b)(6);	Signature: (b)(6);

(b)(6); (b)(7)(C)

couple of students there. At this point it was approximately (b)(6); and (b)(6); had another beer.

Shortly thereafter, (b)(6); came back to (b)(6); room. (b)(6); can't recall if (b)(6); grabbed another beer. When (b)(6); returned, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); season may have already started at this point, but if not, shortly thereafter, (b)(6); doesn't recall (b)(6); discussing, with any of the (b)(6); having sex with (b)(6); recalls that eventually people found out about it, (b)(6); never spoke about it. (b)(6); (b)(7)(C)

Reviewed By (Initials): D H

Date: (b)(6);

(b)(6); (b)(7)(C)

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STATEMENT OF (b)(6)

(b)(6)

(b)(6) and is unable to review and sign.

(b)(6); (b)(7)(C)

Memorandum of Activity

Case Number: C18E0030200	Reporting Office: JRI-2 New York	Type of Activity: Interview
Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)

On (b)(6); (b)(7)(C) was interviewed by United States Department of Transportation, Office of Inspector General (b)(6); (b)(7)(C). After being apprised of the identities of the interviewing agents, and the nature of the interview, (b)(6) stated the following, in substance:

(b)(6); (b)(7)(C) began (b)(6); in (b)(6); (b)(7)(C) lasted approximately (b)(6); (b)(7)(C) was assigned to live at (b)(6); and initially (b) roommates were (b)(6); (b)(7)(C). At the end of (b)(6); just before (b)(6); (b)(7)(C) roommates were (b)(6); (b)(7)(C). At the Academy, (b)(6); (b)(7)(C). Starting in the (b)(6); (b)(7)(C) roommates were (b)(6); (b)(7)(C). During approximately (b)(6); (b)(7)(C). (b)(6); (b)(7)(C)

Approximately two (2) or three (3) weeks after (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) On the evening of (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and approximately two other (b)(6); were hanging out in (b)(6) room. (b)(6); (b)(6); are friends; they planned on ordering pizza and watching a movie together. (b)(6) recalls there was a knock at (b) door. It was (b)(6); but (b)(6) can't recall who it was. It was (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) The (b)(6); came in the room briefly, and gave (b)(6); a big can of beer. (b)(6) was aware that (b)(6); (b)(7)(C). This moment stood out for (b)(6); was confused about what had just happened. (b)(6) was also annoyed at, and surprised with, (b)(6); thought this could get all of them in trouble. (b)(6); joked and bragged about (b)(6); and offered some to (b)(6); (b)(6) declined, and asked (b)(6); why (b)(6); (b)(7)(C) didn't reply, poured the beer into a water bottle and got rid of the can. At this point, (b)(6); left the room to head to campus security/front gate where the pizza was being delivered. When they returned to (b)(6) room, no one was there. They ate the pizza, and (b)(6); eventually left to meet up with (b)(6); (b)(7)(C) stayed in (b) room and watched a movie.

Throughout the night, several (b)(6); came in and out of (b)(6) room. (b)(6); eventually came back to the room to (b)(6); (b)(7)(C) recalls (b)(6); was functioning fine at this time. (b)(6) isn't sure if (b)(6); drank (b)(6) whole beer. After (b)(6); (b)(7)(C) left (b)(6); (b)(6) thereafter returned to the room. (b)(6) told (b)(6) (b)(6) was hanging out with (b)(6); (b)(7)(C), and that (b)(6); had annoyed (b)(6); said (b)(6); was acting (b)(6); (b)(7)(C) told (b)(6); just spoke to (b)(6); and didn't get the impression that (b)(6); was drunk. (b)(6) left the room after this conversation with (b)(6);

(b)(6) got ready for bed, and started to watch another movie. (b)(6) fell asleep. (b)(6) recalls waking up to the motion light going on in the room, because (b)(6) was back getting ready for bed. (b)(6) didn't take note of the time. (b)(6) next recalls waking up at approximately (b)(6) because (b)(6) asked if (b)(6) woke up (b)(6); said it's okay, and they both fell asleep.

At approximately (b)(6); woke up because (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

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Date of Activity: (b)(6);	Date Report Drafted: (b)(6);	Location of Activity: USMMA 300 Steamboat Road Kings Point NY 11024
Subject of Activity: (b)(6);	Activity Conducted By (Name(s)): (b)(6);	Signature: (b)(6);

(b)(6); (b)(7)(C)

The (b)(6); stayed for a while, in case (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); woke up later that morning at approximately (b)(6); and left the room to go to breakfast. When they returned to (b)(6); (b)(7)(C) went to (b)(6); room. At that time, (b)(6); (b)(7)(C) were roommates with (b)(6); They all talked about the events of the night before. At approximately (b)(6); returned to (b) room, where (b)(6); was still in bed. (b)(6) walked straight to (b) desk. (b)(6); asked (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

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(b)(6); told (b)(6); would try to make it up to (b)(6); (b)(7)(C); told (b)(6); about (b)(6); (b)(7)(C); said (b)(6); doesn't recall (b)(6); (b)(7)(C);

Approximately a few weeks later, (b)(6); told (b)(6); how students on campus were talking about (b)(6); and they knew (b)(6); was (b)(6); (b)(7)(C); said (b)(6); was telling people (b)(6); had (b)(6); (b)(7)(C); told (b)(6); (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

At some point after this interaction, (b)(6); told (b)(6); that (b)(6); (b)(7)(C); because of what happened. (b)(6); (b)(7)(C) and still see each other. (b)(6); is friends with (b)(6);

Reviewed By (Initials): D H

Date: (b)(6);

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U. S. Department of Transportation
Office of Inspector General

May 12, 2023

Delivered via FX

RE: FOIA Request, Control No.: OIG-2021-0096

This letter is in response to your Freedom of Information Act (FOIA) request, dated June 16, 2021, sent to the Office of the Maritime Administration (MARAD). A portion of responsive documents to your request originated with the U.S. Department of Transportation (DOT), Office of the Inspector General (OIG). The documents consisted of 58 pages of responsive records which were forwarded to OIG on August 11, 2021 for coordination, to review and respond directly to you.

You originally requested the following records:

"A copy of the report from each investigation regarding sexual assault at the US Merchant Marine Academy. You may limit this request to the timeframe January 1, 2018 to the present. You may omit from the scope of this request the Reports on Sexual Harassment at the United States Merchant Marine Academy, which are posted on the MARAD electronic reading room."

Enclosed are 58 pages of documents responsive to your request. Some information was redacted or withheld pursuant to the following FOIA Exemptions in 5 U.S.C. § 552(b):

(b)(6), Permits withholding of records and information about individuals when disclosure would be a clearly unwarranted invasion of personal privacy.

(b)(7)(C), Permits withholding of records when an unwarranted invasion of personal privacy could reasonably be expected.

Please be advised that we have considered the foreseeable harm while making our decision. DOT OIG FOIA Office reasonably foresees that disclosure would harm an interest protected by the exemptions exercised. We are producing the 58 page document with redactions.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

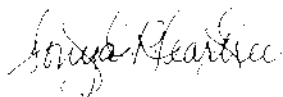
For any further assistance, you may contact Government Information Specialist Tonya Austin-Peartree at (202) 366-8179, Tonya.Austin-Peartree@oig.dot.gov. You may also contact our FOIA Public Liaison, Marie Miller at (202) 366-1959, Marie.Miller@oig.dot.gov.

Seth Kaufman, Deputy Chief Counsel is the person responsible for this determination. If you are not satisfied with the DOT OIG's determination in response to this request, you may administratively appeal by writing to the Chief Counsel for the Office of Inspector General, Department of Transportation, 7th Floor West (JL), 1200 New Jersey Avenue, S.E. Washington, DC 20590. Appeals to the Chief Counsel should be prominently marked as a "FOIA Appeal." If you prefer, your appeal may be sent via electronic mail to FOIAAPPEALS@oig.dot.gov. An appeal must be received within 90 days of the date of this letter and should contain any information and arguments you wish to rely on. The Chief Counsel's determination will be administratively final.

You also have the right to seek dispute resolution services from the FOIA Public Liaison (contact information shown above) or the Office of Government Information Services (<https://ogis.archives.gov>) via phone—202-741-5770 / toll free—1-877-684-6448; fax—202-741-5769; or email— ogis@nara.gov.

Until further notice, we recommend (when possible) that FOIA requests be submitted using our online portal at <https://www.oig.dot.gov/FOIA> or the National FOIA portal at <https://www.foia.gov/>. We apologize for any inconvenience this may cause. Thank you for your patience.

Sincerely,



Tonya Austin-Peartree
Government Information Specialist
(202) 366-6131 (FOIA Requester Service Center)

Enclosure