Hearing on

PROBLEMS AT THE
CALIFORNIA MARITIME ACADEMY

January 4, 1990
State Capitol

MEMBERS
Senator Alfred E. Alquist
Senator Robert G. Beverly
Senator William A. Craven

Senator John Garamendi
Senator Barry Keene
Senator Dan McCorquodale

STAFF
Joy R. Skalbeck, Consultant
CALIFORNIA LEGISLATURE

SENATE SELECT COMMITTEE
ON MARITIME INDUSTRY

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CHAIRMAN: HONORABLE MILTON MARKS

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WRITTEN TESTIMONY

William A. Creelman, Deputy Administrator, Maritime Administration, U. S. Department of Transporation

Thomas Wyman, Member, Board of Governors, California Maritime Academy

Rear Admiral J. J. Ekelund, President, California Maritime Academy

Phillip C. Kazanjian, Member, Board of Governors, California Maritime Academy

George B. Parks, Ph.D., Professor, California Maritime Academy

Captain Paul S. Mead, National President, California Maritime Academy Alumni Association
CHAIRMAN MILTON MARKS: ... Select Committee on Maritime Industry. Before I start the hearing and read the statement which I have here, let me introduce the members of the committee who are presently here. Senator Garamendi sitting on my far left; next to him is Senator McCorquodale, and Senator Alquist. To my right is Joyce Skalbeck, the Consultant to the committee.

We are here today to look into problems at our California Maritime Academy. This sad litany includes sexual harassment, racial discrimination, a questionable relationship between the Academy and its foundation, and mismanagement.

The Academy is a unique educational institution with an extremely rigorous curriculum that prepares students to be licensed as deck or engineering officers in the United States Merchant Marine. There is no question about the quality of the Academy's education. CMA has the distinction of being the first academy to admit women, to graduate a woman, and -- most noteworthy -- to have an alumna licensed as a Master.

(Let me also introduce Senator Bill Craven who is here this morning.)

Today there is an unusually high percentage of women enrolled, especially when contrasted with the percentage of women in the maritime industry.

From the Sacramento Bee Editorial it appears that the Academy is a fiefdom run amok. At least two members of the Legislature met with the President of the Academy long before the Maritime Administration conducted its investigation of the Academy. My colleagues tried to make the President aware that there were serious problems on the campus, and recommended corrective action. This advice was ignored.

(Let me also announce Senator Bill Lockyer who is also here.)

The Maritime Administration counseled the President, and received affirmations that matters were being corrected. Unfortunately, experience to date does not support the efficacy of those assurances. The Chairman of the Board of Governors and at least one member were aware of the very serious nature of the situation in August of 1988. This leads inescapably to the conclusion that there is a crisis of lack of leadership on the Board of Governors and by the President.

The press, politicians, students, and disgruntled staff with an axe to grind are blamed for the problems. The Academy's leadership responds with much style and little substance. The view seems to be that the problem is that these matters have become very public. The committee has received numerous reports the administration believes
it has the full confidence of the Maritime administrator, Senator Keene and Assemblyman Hannigan, and as soon as this hearing is over, our oversight will go away.

Personally, I am a longstanding, staunch supporter of the Academy. As I said earlier, there is much that is very fine about our Maritime Academy. However, when I met in Sacramento recently with Captain Leback, MARAD's administrator, he was angry about what has occurred on the CMA campus, and disgusted with the administration and with the empty promises that have been made to him. The Academy's reputation in industry for the quality of its graduates is an enviable one. We cannot continue to allow it to be tarnished.

My colleagues and I have a responsibility to the Academy's students, to their parents, and to each of California's taxpayers. Gentlemen of the Board of Governors and the Academy's administration, I have news for you. We are not going to go away at the conclusion of this hearing. We are going to meet our responsibilities and you are not going to be permitted to return to business as usual. My colleagues and I care too much about our Maritime Academy to allow that to happen.

Our first witness is the Chairman of CMA's Board of Governors, Bruce Johnston.

CAPTAIN BRUCE JOHNSTON: Mr. Chairman and members of this select committee, I do have some comments to make. I also am a graduate of the Academy in 1948. I sailed in the Merchant Marine, I sailed in the Navy. I'm involved in business here in the Sacramento Valley.

The California Maritime Academy was founded in 1929, and this last year we celebrated our 60th anniversary of that event. And since the time has become a history of professional achievement and sound traditions. The Academy was started as an educational and vocational school dedicated to teaching the intricacies of the sea to young men who wanted to follow a maritime profession. As a reminder to this group, many of our graduates have served in the Navy, the Marine Corps, the Coast Guard, NOAH, and various other branches of the government.

The years have gone by and we've worked hard to remain at the forefront of technologies needed to support industry in the State of California. In 1972 we moved to a four-year curriculum required to maintain our leadership position in maritime education and to meet the demands of our industry. In 1973 we were the first -- as the Senator commented -- to offer enrollment to women. It should be noted that California Maritime Academy women graduates took their place in the maritime industry in 1976, four years prior to any other federal academy.

With the advance in technologies came further requirements that the Academy expand its program to provide the quality of graduates necessary to match the changes of our industry base. We now offer four bachelor of science degrees that we feel will enable us to move into the next century, well ahead of the market that we serve. We will of
course continue to make fine adjustments to our program to keep up with the innovations in both education and industry. I have given Senator Marks a letter that I had just received regarding a master's program where the California Maritime Academy would work with San Francisco State University in a space program because of the nature of nautical matters and space.

We are very proud of our graduates and the leadership that they have shown. But our women graduates do hold a special place in our pride in that the short time they have been in the marketplace they have set a remarkable record of achievement. Starting off in the new industry, our women graduates have gone on to set the example of professionalism for all others to follow. As Senator said, we had the first woman graduate to pass her chief engineer's license, and the first woman graduate to sail as Master of a major merchant ship; it was a Matson container ship out of California.

In the class entering in the fall of 1989, 24 of the 144 enrollees were women, and we now have 52 women students on campus. The projections for the class to enter in the fall of '90, it looks like we will have an even bigger percentage of women.

We have always been proud of our retention rate for students at the Academy. Over 70 percent of those that enter will graduate. Our retention of women students is higher than for men students.

Our placement in history for graduates has always been very good when compared to other colleges and universities. However, in the last two years, the demands for our students has shown a major increase. In both 1988 and 1989, all students have multiple offers of employment, and all but one were employed within 30 days of graduation. Each year the number of companies interested in employing our graduates has increased. Realizing that we graduate approximately 100 -- in the last class I believe it was 88 -- we had 42 companies offering employment to our graduates; and then in '89, we had 63 firms offering us employment; and it looks even better for 1990.

Industrial support for our Academy has never been higher. To our academic program and continuing maritime education programs, we are providing the industry with the tools they need to be competitive. The range of maritime-related and power generation companies that we serve is growing. New federal laws and regulations, when combined with state requirements, will continue to increase the demand for our graduates and the training at CMA.

The Board of Governors has been active in academy affairs and in the development of policy for the school. We not only act as an oversight group, but are also active in training, cruise planning, curriculum standards, and special programs including review of discipline cases. I think that if you'll compare the amount of Board involvement at CMA with other colleges in the California system, you will be pleased at our involvement. The Board is nevertheless dedicated to providing increased priorities and
taking additional actions deemed warranted with respect to our campus. I feel the appropriate corrective action has been taken to eliminate any harassing or discriminating conduct.

In spite of the bad press, and the frustration that our students feel because of this press, we have a campus where our students can work together, a campus where our students feel safe and don't require special security when on campus at any hour of the day. And the campus is now dedicated to providing a discrimination-free environment for all students and staff. Does this mean we'll have no more problems at the Academy? No. No institution of higher learning can guarantee that.

Because of our constantly changing student body, we have a new segment of our communities to educate each year. Remembering that our graduates' average age upon entering is 20.8 years of age, many of them already have been programmed into what their life styles and sense of values are. What we can guarantee is that when a problem surfaces, we will be ready to take immediate corrective action to identify the problem, and then stop the problem through proper education and/or disciplinary action.

One thing that may be of concern to you as legislators is the cost of educating a student at CMA. I personally feel that California gets its money's worth with each CMA graduate. But our cost per student is higher than other schools in the California system. The primary reason for that is that all of our graduates take a technical degree. We do not have other degrees like the CSU schools to average our cost per students with. In the CSU system, they can average their cost per student by using the costs of a liberal arts major with an engineering physics or chemistry major. We don't have that luxury, as all of our graduates fall within the technical fields. I do want to point out, however, that because of good administration and sound planning, the cost growth at the Academy has been at a lower percent rate than other segments of higher education. I would also comment that if you compared our Academy to the federal maritime academy, that it costs you and I as taxpayers $17,000 for a CMA graduate; it costs $60,000 at Kings Point, the federal maritime academy. Now, there are many reasons for it, but our people pay tuition; those going to a federal academy, or like Annapolis or West Point, pay nothing. We, as taxpayers, pay all of theirs. So, our midshipmen pay their way to go to this Academy.

I would also like, in closing, to invite each and every one of you for a tour of the Academy, to see our ship, to see our dorms, our classrooms, our laboratories, and the campus in general. We're very proud of it. And we would welcome that opportunity.

I'm more than willing to attempt to answer any of your questions. But I think it would be best if you've heard from the other speakers first.

CHAIRMAN MARKS: Let me say that your statement is very interesting, but it does nothing whatsoever to answer the allegations which have been made against the Academy.
Nothing whatsoever. Not a word about them.

CAPTAIN JOHNSTON: I was -- well, there was, sir, but -- I made mention that we had taken action. We had already -- our Board had done away with the crossing ceremony prior to MARAD coming to our meeting. So we have done things. _____ we haven't received the publicity for the positive things. And I think this will be fully covered.

But again, I was trying to give an overall overview of the Academy because there's another matter to this that I think is very important. The entire maritime industry represents a very small segment of our total civilization. So very few people have had a great influence on the history of our civilization. But if you think back to the Phoenicians and the Norse, the Portuguese, the Spanish, the Italians, and the British, a few people went all over the world and started what is now the United States. And I think all of that has a reflection on our maritime industry and how little most people are aware of that. And we will get into all aspects of your comments in the course of this meeting.

CHAIRMAN MARKS: Well, I have here in front of me two letters, one dated June 22, and the other dated March 2, 1989 from Admiral Ekelund saying there's no urgent item for the Board that requires that they meet in July. Another that says no necessity to meet in March. Why were the meetings canceled, to a lack of business to address during the _____ problems on the campus?

CAPTAIN JOHNSTON: The Admiral will address those. But he discussed those with me, and at the time, and without the opportunity of looking back over our shoulders, we did what we thought was best at that time. I would say that at that time, the ship -- we had not had the report about the ship's cruise. And the film that has been alluded to was something that we knew nothing about until the Maritime Administration came; and a midshipman who had taken that film volunteered it to MARAD and not to us initially.

CHAIRMAN MARKS: Any further questions? Senator McCorquodale.

SENATOR DAN McCORQUODALE: Mr. Chairman, I share your concern. I think that -- in my mind, I think the Chairman of the Board of Governors of the California Maritime Academy is a person of some significance and should be in a position to comment on this. I mean, I'm sure you've read the articles in the paper. I'm sure that you've heard -- I mean, you can't ignore those things that have happened. You've got a congressional investigating committee that says if you don't do something by Christmas Day of this past year that congressional committee will move to cut off your money. You've got at least one, and I know of several legislators, who are saying that perhaps this Academy has served its function over the years to this point and maybe we don't need it any more. And the other colleges can pick up the slack.

I don't know that telling us about the Phoenicians is going to do a very good job
of trying to stop that. What we want to know is, what are you doing? Are you moving as aggressively as you can to make sure that these things aren't happening? Is your Board concerned about them? Are you -- I noticed that the Admiral has indicated that he's willing to resign. I share Ms. Speier's concern that that's not adequate; that just doing that wouldn't do it. But what are you doing? What are you going to do to make sure that the cruise next year doesn't follow the same pattern as in the past. The Captain evidently wasn't even chastised about the problem. Are you going to get tougher with these folks, or ...?

CAPTAIN JOHNSTON: We are tough. And I still ... (cross talking)

SENATOR MCCORQUODALE: Tell us exactly what you did about ...

CAPTAIN JOHNSTON: I still, Senator McCorkquodale, would like the particular people to address these matters. But I would say that I personally have been back to Washington, D.C.; I've talked with Mr. Creeiman who is here today, and his right arm, Mr. Carlson. And I have spent a great deal of time, like other Board members, being up-to-date and taking corrective action. But we would like to address this in an orderly manner. Again, as I am a Board member, but I have no more power than any other Board member. It's by a majority that we make all of our decisions.

SENATOR MCCORQUODALE: So, as a majority that your Board is not concerned about this problem?

CAPTAIN JOHNSTON: All members of our Board are concerned.

SENATOR MCCORQUODALE: Then tell us what they've done to deal with the problem.

CAPTAIN JOHNSTON: That will be addressed, please ...

CHAIRMAN MARKS: Why can't you tell us?

SENATOR MCCORQUODALE: But I want to know what the Board did?

CAPTAIN JOHNSTON: They have a detailed program to do that. I would appreciate ...

SENATOR MCCORQUODALE: Who else is representing the Board besides you?

CAPTAIN JOHNSTON: There are two Board members: Tom Wyman is on there, and Mr. Tim Comstock.

SENATOR MCCORQUODALE: I don't see them.

CAPTAIN JOHNSTON: Through an oversight we did talk to the assistant to Senator Marks and their names were added at the last minute.

SENATOR MCCORQUODALE: Are they following you or when are they going to ...?

CAPTAIN JOHNSTON: Yes, right after me, right after me.

CHAIRMAN MARKS: Senator Garamendi.

SENATOR JOHN GARAMENDI: No questions. The witness was saying that the information would be presented. And I guess I now understand that it's going to be presented by the other Board members. Is that the case?

CAPTAIN JOHNSTON: And also the President of the Academy because he is the CEO of
the Academy. I'm Chairman of the Board, but I'm not the CEO.

SENATOR GARAMENDI: I would hope that by the time the other two members of the Board have completed their testimony that we would have a clear understanding of what the policy of the Board is. I think that's what the other members are desiring information-wise: what is the policy of the Board with regard to these allegations?

That's all.

CHAIRMAN MARKS: Senator Alquist.

SENATOR ALFRED ALQUIST: Well, a more basic question, who sets policy for the Academy? Does the Board do it?

CAPTAIN JOHNSTON: The Board.

SENATOR ALQUIST: Or is it left entirely up to the Chief Executive Officer?

CAPTAIN JOHNSTON: The Board does it.

SENATOR ALQUIST: The Board sets policy.

CAPTAIN JOHNSTON: The Board sets policy. The President makes recommendations to us, and then we make the decision.

SENATOR ALQUIST: Then it's your responsibility to make whatever necessary changes that...

CAPTAIN JOHNSTON: That's right.

SENATOR ALQUIST: ... have come about -- become necessary because of the criticism that has arisen.

CHAIRMAN MARKS: Thank you very much.

CAPTAIN JOHNSTON: Okay. Thank you.

CHAIRMAN MARKS: Let me hear from Tom Wyman, member, Board of Governors. Mr. Wyman.

MR. TOM WYMAN: Thank you, Senator, members of the committee. I'm going to give you background from the standpoint...

CHAIRMAN MARKS: You are a member of the Board of Governors of this Maritime Academy.

MR. WYMAN: Yes, sir. I am a member of the Board of Governors of California Maritime Academy. I'm also -- I work for Chevron Shipping Company, so I can give you a perspective of how industry views the Academy, and I hope to be able to do that.

But before getting into that subject, I want to assure you that every member of the Board of Governors is keenly concerned about this situation and has been keenly concerned about it. It's been one occupying our -- the _____ part of our meetings for the last several meetings that we've had.

There have been, very definitely, constructive and, I think -- important actions have been taken to prevent the situation from reoccurring and to correct the situation that has existed in the past. For example, the previous speaker did mention that the
The equator crossing ceremony has been abandoned. There will be no more equator crossing ceremonies, which was, of course, the root of the problem in both 1988 and in 1989.

CHAIRMAN MARKS: Senator McCorquodale.

MR. WYMAN: Yes, sir.

SENATOR MCCORQUODALE: But I think that you've got to tell us why it was acceptable that a captain of a ship would have allowed this stuff to have happened under your jurisdiction, and you didn't do anything about it. I mean, if he'd have flogged the males because they didn't clean their mess gear, which was done in the Phoenician days, you probably would have -- I suspect you would have chastised him a little bit. You let this go on and you didn't do anything about it. If you'd taken some of these folks that were responsible and you'd have done what was probably correct and remove them from their duties, you could have, as the Admiral has said, had some vacancies that you might have put some women in that you would have liked to put into some of those positions. But if you allow this to go on, that's your blessing, if you didn't chastise that captain. If nothing happened through the chain of command to you, it's the same as the chairman of your corporation, if the captain runs aground and doesn't do anything to try to prevent the spill, the spread of the oil from the tanker.

There's got to be just one person responsible, and that's back to the chairman. You've got to be as responsible as the Board. And I want to know what the Board did about these things. Not what the history of it or what was good or what's been done. I want to know how you, as the Board, dealt with the problems that have been raised. I think that's what we have to deal with in your part of the testimony.

MR. WYMAN: Well, I will certainly deal with that, but you're going to get better and more specific information from Admiral Ekelund. However, let me tell you ... (cross talking)

SENATOR MCCORQUODALE: I want the Board ...

CHAIRMAN MARKS: We cannot continually be put off until -- to say that Admiral Ekelund is going to testify. You are a member of the Board. It's your responsibility as a member of the Board, together with other members of the Board, to take action. We'd like to know what you did.

MR. WYMAN: All right. Let's go through what we did. In 1988, there was a problem with the equator crossing ceremony. We took steps at that time to absolutely prevent that from happening again. And prevent the abuses and harassment that occurred during the 1988 equator crossing ceremony from occurring again.

CHAIRMAN MARKS: Did you take any action against the captain of the ship?

MR. WYMAN: Only to apprise him exactly what we wanted and what the problem was, and that we would not want to have this to happen again.

Now, in 1989 ...
CHAIRMAN MARKS: I think he knew what had happened.

MR. WYMAN: I'm sorry?

CHAIRMAN MARKS: I think he knew what had happened without you telling him.

MR. WYMAN: In 1989 we had the equator crossing ceremony, and there were abuses that occurred, not nearly of the magnitude as in 1988. And I think it was much more in the sense of a frolic, if you will. Now, call that -- perhaps I'm overstating it in terms of its likeness, but nevertheless, everyone who participated in those ceremonies aboard the vessel had voluntarily signed up; it was not a compulsory obligation that everybody aboard those vessels participate. It was simply a voluntary sign up arrangement.

CHAIRMAN MARKS: Excuse me. We've been joined now by Senator Barry Keene. Go ahead.

MR. WYMAN: So, in view, however, of what happened in 1989, several actions were taken. One certainly has to say, from now on, there aren't going to be any equator crossing ceremonies that are going to bring on this kind of difficulty. So, there, I think we can say we've taken care of that problem.

We've also got a heightened, shall we say, sensitivity and awareness of the problem of harassment: racial, sexual, religious harassment. We're going to be continually on guard that this does not develop or is encouraged any way on campus.

Several other actions have been taken also, Senator. We've -- the MARAD, as you know, the Maritime Administration, Washington, D.C. came to the campus, made a comprehensive assessment in July of last year, and came out with a report with a series of recommendations which were directed toward assuring that this situation would be corrected and would not reoccur. Every one of those recommendations has been adopted by the Board and has been or is being implemented. We've taken, as a Board, Dr. Sheila Perlman has been retained, a counselor in sexual harassment and in situations such as we have had on the campus; and she is conducting a survey and is going to provide background information and a program that we will be able to use in our work on the campus. She's going to develop, I think, as a result of her efforts, a sensitivity among, not only the administration and the faculty, but also among the students themselves as to what the problem is and to prevent that problem from occurring again.

CHAIRMAN MARKS: You are going -- in a few moments we're going to hear from MARAD, who will tell us of their concerns of the problem. You're telling me that all of these problems have been taken care of?

MR. WYMAN: No, sir. I'm not saying we've taken care of every problem. We've adopted every one of their recommendations which are directed at trying to take care of those problems. I don't think one can assure that every problem has been taken care of. But those recommendations were well directed. We've studied them, and we've said,
yes, every one of them must be implemented and, in fact, are being implemented.

CHAIRMAN MARKS: Senator Garamendi.

MR. WYMAN: Yes, sir.

SENATOR GARAMENDI: Is it the policy of the Board to have no sexual, racial, religious harassment or problems on the campus and on the ships?

MR. WYMAN: Absolutely. And as a matter of fact, it goes further than that. It is inherent in our procedures on the campus. Our bylaws reflect this. And the rules for conduct on the campus strongly reflect exactly this.

SENATOR GARAMENDI: Is the Board now prepared to provide punishment, including dismissal, for employees and midshipmen who violate those policies?

MR. WYMAN: I think the Board has got to seriously consider disciplinary measures if there are any violations or any transgressions in the future which are in violations of these prohibitions on harassment. As a matter of fact, there are certain prohibitions now, and if a student or faculty member were found to be in violation of these prohibitions against harassment, there would be disciplinary measures up to and including dismissal.

SENATOR GARAMENDI: Is it the policy of the Board, and is it known by all the midshipmen and all the employees that violation of those policies will result in punishment, including or perhaps including dismissal?

MR. WYMAN: I'm certain it is well known, and is going to be made even more well known as we move in with Sheila Perlman's work and her contacting the students. Absolutely, it's got -- everyone knows this.

SENATOR GARAMENDI: I would expect that this committee would -- and certainly I would like to see an explicit, written policy from the Board stating that that is the situation; the people who violate that program are subject to various disciplinary actions, punishment, including possibly if it's warranted, dismissal. I think that's very important. That's the message I think Senator McCorquodale and Senator Marks were concerned about.

Thirdly here, is it the policy of the Board, explicitly, in writing, through formal action, to adopt the recommendations of the Maritime commission?

MR. WYMAN: Yes, sir, it is. First of all, let me say your request is perfectly on target and we're going to give you that information, including policies and procedures which will support exactly what you're talking about.

Yes, we have, in fact, gone on record with the Maritime administrator himself, with the Maritime Administration, that their recommendations have been reviewed, have been adopted and are being implemented by the California Maritime Academy. And let me just say we have received from the Maritime administrator himself, Warren Leback, a very, shall we say, significant letter. And in fact he says, "In closing, I assure you the
Maritime Administration supports CMA fully." In other words, he appreciates the fact that we've moved ahead with implementing the MARAD recommendations. And if I could just read one paragraph here: "I have reviewed each action the Board has designed in response to our recommendations." These are the MARAD recommendations. "In general, I am favorably impressed with those actions. I believe you are setting a proper course. I do not intend to manage the Academy from Washington. That is your responsibility." He's writing to Bruce Johnston, Chairman of the Board of Governors. "I do intend to follow closely the implementation of these actions, and I expect to be advised periodically on the Academy's success or failure in achieving the goals we share for an educational environment, free of harassment and discrimination of any kind." And he then pledges his support for the Academy on that basis.

CHAIRMAN MARKS: Senator Keene -- excuse me, Senator Garamendi.

SENATOR GARAMENDI: Just one final comment. I believe the Academy to be an important part of the California educational system and a very important part of our economy structure in the state. However, I -- and I suspect my colleagues will not tolerate the kind of harassment that's taken place in the past. And we would expect the Board of Governors to have explicit policies, including disciplinary and appropriate punishments to prevent that kind of problem from occurring in the future. The absence of such explicit policies indicate to us an unwillingness on the part of the Board to address that subject, and undoubtedly that would lead to not only hearings such as this, but additional actions, including budgetary actions.

MR. WYMAN: I understand your message completely. And those explicit policies are available and will be made available to you gentlemen, particularly to you, Senator.

CHAIRMAN MARKS: Senator Keene. Let me -- before I do that, let me announce, we also have joining us, Senator John Seymour, Assemblywoman Jackie Speier.

Senator Keene.

SENATOR BARRY KEENE: Yes. The excellent work of the Academy is not jeopardized by this committee hearing or by this committee. It's jeopardized by the apparent failure to impose sanctions for conduct that is generally regarded in this society today as unacceptable. That's why we're here. The committee -- my sense of it is, and I've only been here a short period of time during this hearing -- is that the committee requires not only explicit policy, but that justice be sure and swift. Have sanctions ever been imposed for this kind of conduct in the past? Is there any history of ...?

MR. WYMAN: Yes, there have been. I would rather not go into it specifically, but yes, there have been actions taken, particularly as a result of the last cruise, with respect to personnel. I'm not prepared to address those specifically. Speakers that will follow me will do so, though, Senator. But, yes, in answer to your question. Positive -- and I think you're right, positive disciplinary measures must be taken,
without delay, if there's any transgressions.

SENATOR KEENE: Okay. I listen very closely to words that people select. And the words that you selected earlier were that the Board must seriously consider the imposition of sanctions. "Seriously consider" suggests to me that the Board has not yet made up its mind whether it intends to impose sanctions that are of a substantial nature.

MR. WYMAN: I will just say those sanctions are in place, and they will be used if and when necessary. When I say "will consider" obviously there will be an adjudication of whether someone has, in fact, errored or not. But they will be -- disciplinary measures will be taken quickly and effectively, if necessary. But there must be a hearing, and I think that's perhaps all I was saying. You're exactly right, though; it must be done right away.

SENATOR KEENE: You know, as far as criminal penalties in the State of California, we have moved from a condition of indefinite sanctions, indeterminate sentences to determinate sentences in California so that if somebody is convicted of something, they get a certain penalty. Does the Board intend to move in that direction so that people are on notice that this will happen and it will happen seriously if they cross certain lines?

MR. WYMAN: We have that on -- people are on notice that there are certain actions, if taken, do result in disciplinary actions. Now, at the student level, for example, if there is an indication of harassment or discrimination that is flagrant, that student will be disciplined and in fact dropped from the Academy; he will be asked to -- he will not be allowed to reregister. So ...

SENATOR KEENE: I think in addition to the policy of not tolerating certain types of behavior, that it would be good to link up specific sanctions with certain types of behavior. I think that would provide certain assurances to people who have questions about past policies of controlling that kind of behavior. Now, obviously, there should be some safety valve for situations that require additional consideration. But I think the closer you come to that, the more comfortable people will feel.

I would like to regard myself as a strong and total supporter of the Maritime Academy. But frankly, I don't want to link myself up to situations of harassment on the basis of sex or race or anything of that kind, or the kind of behavior that's been described in the media. Now, I know the media is interested in theater; they're not interested in fair trial of the Maritime Academy or anything else. But, I would urge that you take the necessary steps and that they be very specific steps; and that you make them known not only to the people who will be effected by them, the students at the Academy, but also the people here who are responsible for controlling the purse strings and paying the -- some portion of the bills at least of the Maritime Academy.
MR. WYMAN: I think we can give you that information that was requested earlier from -- that Senator Garamendi ...

SENATOR KEENE: Okay. But not just policy. We want to know what sanctions are being imposed for what kinds of actions.

MR. WYMAN: Sanctions as well, yes, sir.

CHAIRMAN MARKS: Senator McCorquodale. Before we do that, let me say we've also been joined by Senator Bob Beverly.

Senator McCorquodale.

SENATOR McCORQUODALE: You talked about the incidents of '88 on the cruise. There's some indication that people in charge were aware that also went on in '87. So, that's two years. And then let's take -- now we go to 1990 and the incidents occur all over again. What would your Board do?

MR. WYMAN: Senator, they will not occur again.

SENATOR McCORQUODALE: But, let's say they do.

MR. WYMAN: But, all right.

SENATOR McCORQUODALE: Let's say they do. If a group of excited midshipmen decide they're going to have the ceremony, they go through the ceremony. What would happen at that point?

MR. WYMAN: Senator, I can only speculate. Number one, the master of the vessel, the captain is going to be severely disciplined. If not ... (cross talking)

SENATOR McCORQUODALE: Okay. Now, give me an example of ...

MR. WYMAN: Now, this was a speculative, don't ...

SENATOR McCORQUODALE: ... what's severe discipline, give me an example of that.

MR. WYMAN: Up to and including dismissal, depending upon the circumstances. Again, I don't want to adjudicate these things until I know the facts. But I would consider dismissal an entirely appropriate action to take if it were to happen again on the cruise in 1990. It's not going to happen on the cruise in 1990, I can assure you.

SENATOR McCORQUODALE: Okay. Now, does the captain know that?

MR. WYMAN: The captain knows it now. I just said it.

SENATOR McCORQUODALE: How does he -- is he in the audience? Maybe he'll hear you.

MR. WYMAN: You will be hearing ...

SENATOR McCORQUODALE: How will he know that that's what is going to happen to him, if it takes place again?

MR. WYMAN: Senator, all I can say is he has just heard me say it.

SENATOR McCORQUODALE: Can you issue -- I mean, do you normally issue policy statements of the Board that ...?

MR. WYMAN: I don't think this is a policy statement that I'm making myself. This is a consequence of a Board action and would be dependent upon Board ...
SENATOR McCORQUODALE: You have a meeting next month and you make a motion that if -- that the policy of the Board will be that if this type of harassment takes place on the cruise, that the captain will be subjected to one of the following disciplinary actions and you list four of them, all the way from getting a certificate of commendation to expulsion or relief of duty, how will he know that? Do you normally put out policy positions that the staff and professors and students know about?

MR. WYMAN: Yes.

SENATOR McCORQUODALE: I mean, do they know that you exist?

MR. WYMAN: They are very explicit, and I think as we've said earlier -- Senator Keene asked for information and so does Senator Garamendi. We're going to provide you with exactly -- these policies that are in place, these prohibitions and the sanctions that can be taken. We have that available now, so they will be made available to you.

CHAIRMAN MARKS: Senator Keene.

MR. WYMAN: Yes, sir.

SENATOR KEENE: It seems to me that we should be absolutely clear that what is being sought is not advanced adjudication of the question of guilt. What is being sought is clarity on what happens to someone if they are found guilty; what happens to someone if they are found guilty of any of these acts that are against the policy of the administration of the Board. But it would seem to me that clarity in that respect, letting individuals know what will happen to them if they do certain kinds of things is the best deterrent. And it doesn't mean that you have to judge them in advance as to whether they're guilty of those things or not. That obviously has to be adjudicated fairly. But letting them know in advance what's going to happen, and that the punishment will be sure and swift, if they are found guilty, ought to be a proper function for the Board in its policy, not only saying what you will not tolerate, but how you will not tolerate it. (cross talking)

MR. WYMAN: ... I think I do now, but we're going to make certain: 1) that sanctions are in place, and 2) are clear. But I think we can provide you information to show that, in fact, such sanctions have been clearly identified and enumerated now. We'll give you this information.

SENATOR KEENE: But then we have to be talking about where they have been ... (recorder malfunction) ... what circumstances.

MR. WYMAN: All right. Yes, you're right.

CHAIRMAN MARKS: You said you just made this statement regarding what would happen to the captain. You've not made it before this time? You said just a moment ago, you said that ...

MR. WYMAN: Senator, I don't really think it was necessary to make the statement beforehand. To me, it is abundantly clear that if there are further problems of the
nature that we're all concerned about, that there's going to be severe disciplinary action -- must be taken. It goes without ...

CHAIRMAN MARKS: Well, when did the Board take that action?

MR. WYMAN: I think it's inherent in the Board's responsibility, that if a job isn't done properly, irrespective of who it might be, that there is disciplinary action taken. So, to me, the fact that I make this statement now doesn't mean I suddenly announced a new policy; it's a policy that's always there. It's a policy that if someone is not doing the job in accordance with the rules and procedure of the organization of the Academy, then there's got to be disciplinary action taken.

CHAIRMAN MARKS: Do you have the authority, if you determine that the administrator, Admiral Ekelund, has not done a proper job, to fire him?

MR. WYMAN: I certainly don't have the authority.

CHAIRMAN MARKS: Who does?

MR. WYMAN: That would be an action of the Board itself. You see, I'm just a member of the Board.

CHAIRMAN MARKS: Does the Board have the authority?

MR. WYMAN: I'm sorry?

CHAIRMAN MARKS: Does the Board have the authority?

MR. WYMAN: Ultimately the Board has the authority to take such action.

CHAIRMAN MARKS: Assemblywoman Speier and then Senator Craven.

ASSEMBLYWOMAN JACKIE SPEIER: Mr. Wyman, do you feel that the Board has been vigilant in its duties in supervising the operation of the California Maritime Academy?

MR. WYMAN: Well, you'll have to appreciate, I'm the newest Board member, so that I speak from a slightly disadvantaged position.

ASSEMBLYWOMAN SPEIER: How long have you been on the Board?

MR. WYMAN: Oh, perhaps a year, a year and a half now.

ASSEMBLYWOMAN SPEIER: Since when?

MR. WYMAN: Let's see, it was April of '87, I guess it was.

ASSEMBLYWOMAN SPEIER: April of '87. And you're aware ...

MR. WYMAN: Make that '88.

ASSEMBLYWOMAN SPEIER: April of '88. So, since April of '88, do you believe that the Board of Governors has been vigilant in their duties in supervising the operation of the Maritime Academy?

MR. WYMAN: I think we've done a careful job. Information has come to our attention that has obviously shown that there have been problems. Now, it means that that information perhaps wasn't brought to the members, to the attention of the Board; or it wasn't viewed as -- in the context of the seriousness that it should have been viewed. But let's put it this way, we certainly now have a very heightened concern,
sensitivity to problems of harassment, racial discrimination, and so on. So let me just say that the very fact that these events occurred does indicate that there have been problems. But I think actions have been taken -- as we talked about earlier -- to deal with the situation and to assure that it's not going to happen again.

ASSEMBLYWOMAN SPEIER: When did you become aware of the 1989 equator crossing activities?

MR. WYMAN: Oh, I think it was about mid-year, as I recall.

ASSEMBLYWOMAN SPEIER: You found out in May about the equator crossings and the activities that went on in 1989, in the January cruise.

MR. WYMAN: 1989, it would have occurred earlier than the year. I'm just estimating now, because I would have to go ... (cross talking)

ASSEMBLYWOMAN SPEIER: Okay. What action did you take, once you found out about the antics that went on during that equator crossing?

MR. WYMAN: I'd have to go back and check the minutes of our meetings, but we did express concern; we recognized that it had been something that should not have happened. In fact, the situation was not comparable to what happened in 1988; that was clearly unacceptable. 1989, okay, there was, as you suggest, antics and I'm afraid we were not fully impressed with the consequence or the importance of it at that time. As the year's gone on, we've become very impressed.

ASSEMBLYWOMAN SPEIER: Have you viewed the videotape?

MR. WYMAN: Yes, I have.

ASSEMBLYWOMAN SPEIER: When did you review the videotape?

MR. WYMAN: Oh, let's see, I think it was about three months ago, two months ago, perhaps.

ASSEMBLYWOMAN SPEIER: What official action has the Board of Governors taken?

MR. WYMAN: As a result of that, and as a result of ...

CHAIRMAN MARKS: Well, we have the tape here; we're going to show it in a few minutes.

ASSEMBLYWOMAN SPEIER: Well, let me suggest to you, sir, that ...

MR. WYMAN: I'm sorry. You want me to answer -- I'd be glad to answer the question you asked.

ASSEMBLYWOMAN SPEIER: Okay, if you could answer it.

MR. WYMAN: We did speak about this earlier, but the Maritime Administration of the Department of Transportation ...

ASSEMBLYWOMAN SPEIER: I'm fully aware ...

MR. WYMAN: But you asked me what action we've taken.

ASSEMBLYWOMAN SPEIER: I want to know what you have taken as the Board of Governors.
MR. WYMAN: We've adopted the recommendations of the Maritime Administration, and have implemented or are implementing them.

ASSEMBLYWOMAN SPEIER: What does that mean relative to the equator crossing?

MR. WYMAN: That means that those recommendations of the Maritime Administration were directed specifically at preventing sexual harassment, discrimination on campus. Another action we've taken with respect to the equator crossing is to completely do away with the equator crossing.

ASSEMBLYWOMAN SPEIER: When did you take that action?

MR. WYMAN: The equator crossing was abandoned in terms of an event in June of 1989, I believe. That's an approximate date.

ASSEMBLYWOMAN SPEIER: Official action by the Board of Governors?

MR. WYMAN: I don't think it was an official action of the Board. It was just -- it was stated that that's been done away with, and we accepted it as something that administrator, I believe, was handled.

ASSEMBLYWOMAN SPEIER: Well, may I suggest to you, that as a member of the Board of Governors, upon becoming aware of that videotape, upon viewing that videotape, I would feel that it would incumbent upon you as a Board member to take official action to do away with that equator crossing for one reason only, and that is the potential liability to the State of California for any injury or accidental death that may occur as a result of some of the activities that were undertaken with that particular event.

MR. WYMAN: We share your concern on that and ... (cross talking)

ASSEMBLYWOMAN SPEIER: And I would that without official action by the Board, you are not taking a strong enough position in terms of leadership in making certain that that Academy is operated in a manner that is fitting with the other state educational institutions of higher learning.

MR. WYMAN: If I might just say, you're entirely correct. The administrative action was taken, the Board approved that action; it was reported to the Board of Governors and we approved it. There was no equivocation on it at all.

CHAIRMAN MARKS: Senator Craven.

SENATOR BILL CRAVEN: Thank you. Mr. Wyman, have you ever served ... (recorder malfunction) ... service?

MR. WYMAN: Yes, sir.

SENATOR CRAVEN: Did you serve in the period from 1941 to 1946?

MR. WYMAN: Yes, sir.

SENATOR CRAVEN: Are you familiar with naval ____ and ____ or what used to be referred to as such?

MR. WYMAN: Yes, sir.

SENATOR CRAVEN: Do you have anything that would approximate that from a protocol
standpoint that is published, that are protocols to be adhered to, and violations of those protocols result in disciplinary action?

MR. WYMAN: Yes, we do. And we can make them available -- we will -- we will make them available to you, sir.

SENATOR CRAVEN: But, those protocols, as delineated in what you presently have, or have had, did not cover any of the actions brought to our attention now?

MR. WYMAN: In fact, they do cover them, but they have been amplified and made more specific in that respect. But, yes, they did cover them. Don't think this was neglected in the original draft.

SENATOR CRAVEN: Well, the thing that I have trouble, I think, understanding is if in fact they did cover them, why was not disciplinary action taken, or a prohibition of certain of this activity at the outset?

MR. WYMAN: In fact, certain disciplinary actions were taken. And again, I would rather Admiral Ekelund speak to that. But, yes, we have those, as I think, sanctions identified; and in fact there were violations and action was taken.

SENATOR CRAVEN: Well, the reason I think I'm perhaps somewhat confused is the fact that you referred to the Board taking an action or recommending this and that. What I would have thought is that there would have been something in place that would be the bible of the Academy, if you will, and it would be the rule and rote of whatever is engaged in, or what is prohibited by virtue of its very act.

MR. WYMAN: Well, Senator, the rules are there. We expect the administration of the Academy to take action in accordance with those rules, those sanctions -- the protocols, if you will ...

SENATOR CRAVEN: Yes, sir.

MR. WYMAN: ... and then if there is a problem, those can be referred to the Board of Governors. In fact, from time to time, these issues are referred to the Board; otherwise the Board simply concurs with the actions taken by the administration, and they stand as an administrative action. But there is this appeal process.

SENATOR CRAVEN: But, let me ask this. You mentioned the equator crossing ceremony has been done away with.

MR. WYMAN: Yes, sir.

SENATOR CRAVEN: Has that now been incorporated into that publication, if you will?

MR. WYMAN: I don't think it has. Maybe that's a good idea. We'll make it abundantly clear that this is not ever going to happen again.

SENATOR CRAVEN: Well, having gone through that aboard a Navy vessel, as well as International Date Line crossing, why ...

MR. WYMAN: Yes.

SENATOR CRAVEN: ... I know that it can be very, very obscene in many respects, and
I always felt that it was somewhat unnecessary, but be that as it may. I think it becomes increasingly so when women are involved or even present. And it just seems that there should be something if you choose to prohibit it -- which I would hope that you would do -- I mean, you can issue a card to people who say, "I've crossed the equator" as far as that's concerned; in fact, they used to do that. That could suffice instead of going through all this commotion that we've heard about.

MR. WYMAN: I take your point and we will make sure that it is explicit. It is now administrative policy. I'll will make sure that it is explicit and in the materials that is available to every incoming cadet.

SENATOR CRAVEN: Yes, sir. Thank you very much, sir.

CHAIRMAN MARKS: Senator Seymour.

SENATOR JOHN SEYMOUR: Thank you, Mr. Chairman. Mr. Wyman, what I hear from some of my colleagues in this hearing and what has concerned me for a very long time is whether or not the Board of Governors was carrying out -- or has carried out its responsibilities relative to setting policy, setting procedures, much like Senator Craven has just articulated, other members have articulated. And therefore, the question that really continues to concern me is what actions the Board has taken, have not taken, did not know about? In other words, were they really, and have they, and will they in the future, really do the job? In the regard to the question of "have they?" I would like to know the closest you can estimate or cite or maybe you've got documentation to specifically state: on what date you and the other Board members became aware of not the 1989 problem, but the 1988 crossing problem?

MR. WYMAN: Senator, I would like an opportunity to ___ the record. I would like to say about mid-1988 is when we became -- but I want to make sure that I'm correct on that. We knew there were -- as I think was referred to earlier -- some antics and there was a problem aboard the vessel as a result of the equator crossing.


MR. WYMAN: Of 1988, yes, sir. And ...

SENATOR SEYMOUR: And how long after -- let's assume that you're correct and you're stating for the record that, in fact, the Board -- and I'm assuming that to be all Board members present at an official meeting -- were made aware of the problem of the '88 crossing sometime in the summer of 1988. Is that true?

MR. WYMAN: To the best of my knowledge. Again, let me correct that, but I think that's about right.

SENATOR SEYMOUR: Okay. Let's assume that's correct. How long did it take the Board to set up a process similarly to that described by Senator Craven, setting those policies in writing and in place, some type of reporting system from management, as to the specific actions that they were going to be taking to change these practices, not
just the one of the crossing, but the other sexual discrimination practices? How long, in your opinion, from summer of '88 did it take the Board to go through that process?

MR. WYMAN: I think what happened really was that we recognized -- and as I mentioned to Senator Craven -- that we have these so-called protocols or sanctions already available. We have what is appropriate and what is inappropriate action. And what we really did was to refocus on that and say that these have not been adequately adhered to; in other words, we already had -- shall we say ... (cross talking)

SENATOR SEYMOUR: What did you -- let me be more specific then, Mr. Wyman. You knew sometime in the summer of 1988. What did you do differently than was done before, after the summer of 1988? And when did you do it?

MR. WYMAN: Following our understanding of what happened in the '88 cruise, we said, look, there's got to be actions taken to enforce anti-discriminatory policies that we have on our records, that is to say, that we have as a matter of policy of the Academy. The point is that they were allowed to -- we were able to focus on those; we did, in fact, focus on saying, all right, we must, in fact, be more cognizant of the importance of adhering to these policies which absolutely preclude any sort of discrimination harassment of the nature we're talking about.

SENATOR SEYMOUR: Therefore, I don't want to misstate nor do I want to misunderstand your testimony, Mr. Wyman. But let me paraphrase for you from what I just heard, and I'd like you to answer whether or not I have paraphrased it correctly. You, the Board, did not change anything. But what you did do is say we must enforce our existing protocol and policies. Is that a fair restatement of what you said?

MR. WYMAN: That's what I said. I'd like to check the record and make sure we took no other specific actions, sir. I was not prepared to answer these specifics this morning.

SENATOR SEYMOUR: Mr. Wyman, let us assume for a moment that that's what you did, in subject to your confirming or not confirming, but you believe that's what you did. You said in essence that we must enforce existing policies and procedures. In the process of enforcing existing policies and procedures, did the Board ask, demand, direct the President to report to the Board any and all violations or alleged violations?

MR. WYMAN: We were concerned about the enforcement of policies and procedures involving discrimination even before the 1988 June date that you're talking about. I think as a result of learning what happened in the 1988 equator crossing, we realized that we had to make more emphasis -- place more emphasis on this. And in fact did -- the President did report to us cases of discrimination that occurred in the Academy following the June learning of the equator crossing problem.

SENATOR SEYMOUR: Could you be more specific in answering my question? Or do you
want me to restate it?

MR. WYMAN: Would you restate it?

SENATOR SEYMOUR: Yes, sir. Did you directly order, in other words, require of the administration, specifically the President, ongoing reports, periodic reports as to all alleged violations, violations, and disposition of violations subsequent to June or summer of 1988?

MR. WYMAN: We did not ask specifically that he report all, no, sir. But we expect the Admiral to report discriminatory problems, harassment problems, that he is aware of. And we expect him to report to us; and, in fact, he does. (cross talking)

SENATOR SEYMOUR: Let me ask another question, Mr. Wyman.

MR. WYMAN: And let me just add one other thing. And our heightened concern after June of ’88, in fact resulted in his being attentive and more, shall we say, rigorous in his reporting proceedings.

SENATOR SEYMOUR: Mr. Wyman, that’s exactly my concern. I don’t know whether you’re aware -- I would hope you had been made aware -- that I had received a complaint from one of my constituents that caused me to spend some time at the Maritime Academy in late summer of 1988, going over all of this. And beginning with the 1988 -- the videotape we’re going to look at is 1989 -- and my opinion, that videotape is child’s play compared to what happened in 1988. My whole concern, as I expressed to the President and the Chairman of your Board at that time is, let’s clean it up.

MR. WYMAN: I agree.

SENATOR SEYMOUR: I’m trying to get to the bottom of what you have done to clean it up. Therefore, when you tell me that you do not receive periodic reports as to, we have had this many violations, this many allegations, this is the nature of them; but rather I suspect -- and you correct me if I’m wrong -- what you’ve been receiving is only a report on cases that have actually been tried in disposition of same.

MR. WYMAN: Senator, we’ve received both, cases that have been tried and disposed of as well as disciplinary actions that have been taken.

SENATOR SEYMOUR: Disciplinary actions have been taken, but you have no report coming into you to tell you how many times this problem is raising its head.

MR. WYMAN: Let me check the minutes on that. I need to be sure what -- because you’re interrogating rather closely -- I want to make certain ...

SENATOR SEYMOUR: You’re right.

MR. WYMAN: ... that we do have, in fact, that information available to us. In fact, we do have that information available. As I recall, a recent Board meeting, we had a list of infractions and disciplinary actions that were taken.

SENATOR SEYMOUR: At a recent Board meeting.

MR. WYMAN: Yes, sir.
SENATOR SEYMOUR: I'm trying to find out what you did and how soon you did it once you found out you had a problem. You said you found out you had a problem in the summer of 1988.

MR. WYMAN: And we began to receive those reports -- I don't say even began; I think we continued to receive those reports. But Senator, mind you, there was a heightened awareness of and concern among the Board members at that point. So, at that point, we did in fact solicit this information and review it more carefully.

SENATOR SEYMOUR: Well, Mr. Wyman, let me, with all due respect to you, sir, share with you my opinion. You were kept in the dark and it may have been your fault that you were.

CHAIRMAN MARKS: Let me say to you, Mr. Wyman, that I'm concerned about your testimony and that of Mr. Johnston. When we asked him some of these questions about what had happened, he said he was going to wait until some other witness appeared. Now, what other witness are you waiting for?

MR. WYMAN: Could be -- I think it might be appropriate if we asked -- went from the agenda that you have and ask Admiral Ekelund to come and testify.

CHAIRMAN MARKS: We'll ask Admiral Ekelund at the appropriate time.

MR. WYMAN: Well, you -- very well.

Now, I don't know, I did have enough -- several other comments I wanted to offer, and it's really in the sense of trying to emphasize to you the importance of the Academy again to the industry. And I think, Senator, you yourself ...

CHAIRMAN MARKS: I think there's nobody here who doesn't understand the importance of the Academy. That is not the point at issue here in this hearing. We all understand the importance of the Academy that has basically done a good job, but we're not concerned about that at this time.

MR. WYMAN: And we -- in that event, I think you do appreciate then the importance of the Academy; and the importance not only to the industry, but to the State of California. And having said that, I just want to reassure -- reassert that we are -- we have been concerned about the situation at the Academy; we've taken steps to implement MARAD recommendations; we have taken steps to abandon the equator crossing ceremonies; we've implemented policies by the Board itself in order to assure that there's going to be no reoccurrence of the kind of events that have happened over the last several years; and moreover, we have retained Sheila Perlman, Dr. Sheila Perlman who will be, I think, increasing the sensitivity of everyone on the campus, faculty, administrators, as well as students as to the problem.

CHAIRMAN MARKS: Well, what is she supposed to do?

MR. WYMAN: I'm sorry?

CHAIRMAN MARKS: What is she supposed to do?
MR. WYMAN: She is going to be assessing the situation, explaining to everyone who is involved, exactly what the -- how harassment can occur, how it can be prevented, how it must be prevented; and in fact is going to survey -- is conducting a survey of the students and faculty as well in terms of finding out what their views are of the situation and areas that might be usefully looked at, and if necessary, corrected. So, I think what she's doing is looking at it, making an objective overall survey, and is going to be offering her own ideas and recommendations. But all of this will result, as I say, in a new awareness of and sensitivity.

CHAIRMAN MARKS: Thank you very much.

MR. WYMAN: Thank you.

CHAIRMAN MARKS: Let me, before I call the next witness, let me announce that I have been given copies of letters addressing by Mr. Matlan(sp?) Pennington and by Dr. J. Henry Glazer to the President of the Board of Trustees, and we'll put those in the record.

Tim Comstock, member of the Board of Governors.

MR. TIM COMSTOCK: Mr. Chairman, members of Legislature. My name is Tim Comstock. I'm a member of the Maritime Academy Board of Governors. As a long time dean in higher education, I believe that's why I was placed on the Maritime Academy Board of Governors as the educational representative.

Let me start out by saying that no one condones any kind of harassing or discriminatory practice, sexual or otherwise. And yet no institution, certainly no academic institution, is totally free from those types of practices. Virtually every single academic institution with which I'm familiar has tried to develop and articulate policies which will erase bad practices. The power of the professor in academia has historically been vast. That role has long been honored in our and in other societies. That power has been sharply pinched back and redefined over the last decade as colleges and universities have tried to ____ themselves into a position of complying with the changes that have taken place in society over the last 20 years. That process of adapting and redefinition will continue in higher education, and in all institutions, throughout the coming years, because there's no way to wave a wand and mandate attitudinal changes on the parts of all people who make up our institutions.

As to the Maritime Academy, let's take a look at some facts. The Academy was the first in the nation to admit women. It today has a higher percentage of women than any of its counterparts in the country. It has had women students at the very top of its leadership positions. It has graduated more women and placed more women in maritime industries than any academy in the country. Would these facts be true if CMA were a hot bed of harassing activities? I think not.

CHAIRMAN MARKS: Assemblywoman Speier.
ASSEMBLYWOMAN SPEIER: Mr. Comstock, isn't it true that there's approximately 10 percent of the enrollees at the Academy that are female?

MR. COMSTOCK: Yes, it is.

ASSEMBLYWOMAN SPEIER: All right. Isn't it also true that until the Legislature called upon the administration at the Academy to do something about the fact that there were no minorities or very few minorities and women that were enrollees at the Academy, that nothing had been done to deal with the lack of active recruitment that was not taking place at the Academy?

MR. COMSTOCK: No, I think you're speaking -- we first started taking women over, I think, it was 13-14 years ago.

ASSEMBLYWOMAN SPEIER: Well, there have been major discussions in Subcommittee 2 of the Ways and Means Committee that reviews the budget of the Academy over a period of three years regarding the lack of active recruitment policies by the Academy for ethnic minorities and women.

MR. COMSTOCK: I certainly think in recent years that the Academy has improved its record in such recruiting practices. We are not where we'd like to be; very few academic institutions are.

CHAIRMAN MARKS: Go ahead.

MR. COMSTOCK: Is the California Maritime Academy perfect? No. I don't think it is. No institution is. No school is. But CMA has been singularly successful in establishing an environment on campus that is almost totally free from examples of sexual harassment of students by faculty and staff members. Believe me, as an educator, when I say that nothing is so deleterious and so deadening to the learning environment as sexual harassment by instructors or staff. The magnitude of this problem in the world of higher education over the last 10 or 15 years has been horrendous. This phenomenon has been raised once at the Maritime Academy. The complaint was raised and was quickly withdrawn; but it was investigated. It was investigated by Admiral Ekelund. He took quick action. He disciplined the instructor involved. He met with all of his faculty and promulgated what is and what is not acceptable behavior. These are the professors' relationships with students. One case in the last four years. I don't think any academic institution of higher learning can match that record, I'm sad to say.

Admiral Ekelund is a good man. He's as good a man as I've met in my career in higher education. On the issue of differential treatment, I think he's far more in tune than the vast majority of educators. He has promulgated a clear code of behavior to his faculty and to his staff. After the troubles with the equator crossing last year, that ceremony, Admiral Ekelund's recommendation, is canceled. The Board has agreed with that. He has scheduled sessions with all of the Academy's students to
explain what is and what is not harassing or discriminatory behavior in the matter of relations between the sexes. He has done those things, some on his own, some at the direction of our Board, that an educator is supposed to do. He's taught and he has lead. The equator crossing ceremonies are something that I think we all regret greatly. There will be no repeat.

I do think the portrait painted in the press of the Academy has been unfair. I think it's been unfair to the Admiral.

I have seen a number of our Academy students in attendance today. As a Board member, I have availed myself of the opportunity to speak with students every opportunity I had while on the Academy campus. My questions to them, especially since our latest round of bad publicity and since the latest calamity on the equator crossing, have been very explicit and pointed on issues of fairness, equal treatment, and on the existence of an environment free from sexual discrimination or harassment. What I've seen and heard is essentially a group of typical young students. Their attitudes are as yet not perfectly formed, but they are getting there. If they're more concerned with earning their grades and earning their degrees than they are with most other issues, that makes them pretty standard as far as students go. What I have not heard and what I've not seen is a group of students whose learning environment is blighted by an insidious intrusion of discriminatory practices: sexual, racial, ethnic, whatever. I believe the environment, the learning environment at CMA is essentially a healthy one, conducive to learning, to living, and to growing. And that is precisely what we demand of our academic institutions. That they be places where our young people can grow and profit from the lessons taught by qualified instructors.

The Academy is not a hot bed of discriminating or harassing activities aimed at any group of its students. Its problems are fairly typical of any institution comprised in large part of young people. Those problems have been dealt with, I think, effectively on the campus by solid, sensitive and committed leadership. The Board of Governors and the Academy's leadership have responded fully with the MARAD investigative report and its series of recommendations. We have adopted those recommendations. The Board of Governors is going to meet every single month now instead of every other month. The Board of Governors, I believe, to a will be more in tune to getting to the meetings early; meeting with students before the meetings, after the meetings in formal and in informal sessions.

What other comment merits repeat? Some months ago, a member of the Assembly visited the Academy, and was told by one of our female students that she had been raped, and that the Academy leadership had failed to be responsive to that allegation. That charge of non-responsiveness was an absolute falsehood. Admiral Ekelund explained the case to the Board; he undertook the investigation of the charge of rape; he
informed the Board and our legal counsel fully. What he found was that there was no evidence to support that claim; and he was advised by authorities in Huntington Beach where the alleged act supposedly occurred, that there was no evidence on which to act. Despite that, the Admiral has consistently made an offer of counseling made available to the student who made the original allegation. That student, to this date, has not availed herself of that opportunity. But because those statements were made by that student, the Academy has been portrayed as some kind of hellhole where rapes can and do occur. Admiral Ekelund was verified as an insensitive, military, male chauvinist. That was unfair. And it borders on liable. As I earlier stated, I think Admiral Ekelund's responsiveness to these complex issues has been sensitive, and as quick as possible, and effective over the last years. Neither he nor the Academy deserves the scorn that has been heaped upon them in the last couple of months.

It's time to move forward and I think the best way to do that is for you, any of you, and all of you, to visit the Academy yourselves so that you can be assured that it is all that any campus should be or that we want it to be. Come and meet our faculty and staff as they work; come and talk to our students as they work and as they attend their classes. I know that you will find a healthy learning environment and a positive leadership of the campus. I think those are accurate descriptions. Thank you.

CHAIRMAN MARKS: Thank you. Senator Seymour, and then Assemblywoman Speier.

SENATOR SEYMOUR: Thank you, Mr. Chairman. Mr. Comstock, I as one member of the Legislature, have taken the time, as you know ...

MR. COMSTOCK: Yup.

SENATOR SEYMOUR: ... to visit, not only with the administration, but with students, faculty as well.

I'd like to get back to at least the line of question I raised with Mr. Wyman. You may recall the question I asked Mr. Wyman, when did the Board become aware of the '88 problem? and he indicated the summer of 1988. I then asked Mr. Wyman, what did the Board do differently; he, in my paraphrase, agreed -- he agreed with my paraphrase of what he gave in a lengthy reply is that the Board said we must enforce existing policies and procedures.

Now, my question to you, Mr. Comstock. If you had existing policies and procedures, then why did you, on August 30, 1988, in a letter to Bruce Johnston, the Chairman of your Board, say, "What I cannot find anywhere is a description of the Academy procedures, formal and informal, for handling complaints, allegations of sexual harassment, or sex discrimination. I suggest that we have Bruce Richard, legal counsel to the CMA, review whatever we have in place to determine its adequacy and to develop procedures" -- develop procedures -- "which will protect all parties in the Academy when such charges are raised in the future."? Now, that seems to contradict the
testimony that Mr. Wyman offered. He said, "We had existing policies and procedures; we recognized we had a problem; we had to enforce them." You say, in writing, on August 30, 1988, approximately the same time period, you can't find them anywhere.

MR. COMSTOCK: I couldn't find them. And I was speaking, Senator, specifically to -- when a student -- let's use a case of a student because I think that's what we're almost concerned with -- when a student comes to any faculty member or administrator on any given campus -- and I've been involved in this for close to 15 years on my own campus -- and with wishes to make a complaint with respect to any type of harassing behavior or activity directed against him or her, where are the procedures by which that complaint is handled? I, at that time, had not seen them, Senator, and if I had, I had forgotten where they were, because in that particular response to -- or letter to Mr. Johnston, I was trying to lay my hands on them to see how we do handle such cases. As a Board member, I probably should have asked at a Board meeting, where are they? because we have them at my college, and all colleges that I know of have them. But I think if I'm contradicting Mr. Wyman, it's probably because -- at least at that time, I did not know where those procedures were. We do have such procedures, Senator. And I do think -- if I can add a little to Mr. Wyman's testimony -- I don't know that the Board directed Admiral Ekelund in the summer of 1988 to bring it regular reports on such cases or reports of cases. But I know that Admiral Ekelund had or started at about that time, if not a little earlier, to bring us regular reports on such cases.

SENATOR SEYMOUR: Wait. Could you be specific, Mr. Comstock, when you say regular reports. Define a report, what did it include?

MR. COMSTOCK: What complaints had come up between this Board meeting and the last Board meeting.

SENATOR SEYMOUR: What complaints had been filed?

MR. COMSTOCK: Yes.

SENATOR SEYMOUR: And no action taken?

MR. COMSTOCK: No action taken, or action taken. DRIC is our Disciplinary Review Investigating Committee. I believe the Admiral brought us cases that have been filed, action taken or not action taken. I can't really recall. But I think he has.

SENATOR SEYMOUR: Now, you also said in this letter of August 1988 that "the equator crossing tradition has all the earmarks of a fraternity initiation. To expect a female to endure the crudity and hazing, such a right is pure folly, hell. Many fraternities across the country have radically moderated their initiation rights in recent years because more and more kids will simply not tolerate the abuses." This was in August of 1988.

MR. COMSTOCK: Uh-hmm.

SENATOR SEYMOUR: The videotape we're going to see, it was the equator crossing of
1989. Now, if you were that fully aware about it and the Board was that concerned about it, what did you do? Particularly, what did you do?

MR. COMSTOCK: Well, when the Board -- I think the Board heard -- the Board was told the equator crossing ceremony was going to be far less harassing and was going to be voluntary only, in 1989; and I think the Board was content to let that go. In retrospect, we made a mistake. There's no question about it in my mind.


MR. COMSTOCK: Sir, I ... 

SENATOR SEYMOUR: When does the Board ...?

MR. COMSTOCK: Senator, I ...

SENATOR SEYMOUR: Excuse me, I'll finish. When does the Board of Governors -- which in my mind is the board of directors of a corporation -- when do they say to management, you ain't hacking it; you're not doing it right; we want it done this way?

MR. COMSTOCK: I think we have said that, now. There will be no crossing ceremony. Senator, some of us on the Board, I must say, found out about a crossing ceremony for the first time in the summer of 1988. Some of us have not had the benefit of being a member of any branch of the armed services or at least a maritime branch of the armed services. I had never heard of a crossing ceremony prior to the promulgation of the complaint as it was made to us in the summer of '88.

SENATOR SEYMOUR: As a member of the Board of Governors, how long have you served, Mr. Comstock?

MR. COMSTOCK: Been on there about three years, sir.

SENATOR SEYMOUR: Don't you think it's your responsibility to know that?

MR. COMSTOCK: Probably it is.

SENATOR SEYMOUR: Thank you.

MR. COMSTOCK: Very definitely.

CHAIRMAN MARKS: Let me say, we've now been joined by Mr. Hannigan, Assemblyman. I thank you very much, Mr. Comstock.

SENATOR SEYMOUR: Senator, Ms. Speier had a question.

CHAIRMAN MARKS: Assemblywoman Speier had a question.

ASSEMBLYWOMAN SPEIER: Mr. Comstock, you paint a good ship lollipop picture of the Maritime Academy.

MR. COMSTOCK: I didn't try to, Senator -- Assemblyman.

ASSEMBLYWOMAN SPEIER: It's Assemblywoman.

MR. COMSTOCK: Assemblywoman.

ASSEMBLYWOMAN SPEIER: Let me suggest to you at first -- I have a number of questions I want to ask you. But I want to get to a number of points that you made somewhat appeasely, and let's get them out on the table very clearly.
Were you suggesting that I made a bold outright lie or statement that could be interpreted as a lie? We are -- notice that you were referring to the fact that I was at the Academy, joined by Assemblyman Hannigan and Campbell, to meet with the administration. But, at the administration's urging, we met with a number of students who wanted to come in and speak with us, with the administration present. Those students did come in. One student did stand up and indicate that she had allegedly been raped, and that she did not feel the Academy had acted in a manner that was prompt and responsive.

MR. COMSTOCK: And that is the specific allegation that I said was an outright falsehood...

ASSEMBLYWOMAN SPEIER: It is not an outright...

MR. COMSTOCK: Not anything you said or did, but what the claim that was made to you. I believe our Academy leadership responded as quickly as it possibly could have to that specific allegation made by that student.

ASSEMBLYWOMAN SPEIER: Okay, Mr. Comstock, have you read the report by the Academy about that particular charge?

MR. COMSTOCK: I have not read the DRIC report. I have talked to a member of the DRIC committee.

ASSEMBLYWOMAN SPEIER: As a member of the Board of Governors of that institution, with as much public display and discussion about that incident, you have not taken the time to read the document that makes findings about the circumstances?

MR. COMSTOCK: No, I haven't.

ASSEMBLYWOMAN SPEIER: I mean, you are very quick to interpret what the ultimate finding was.

MR. COMSTOCK: I have not read the document.

ASSEMBLYWOMAN SPEIER: Well, I would suggest to you that you would find it somewhat edifying in terms of some of your statements.

MR. COMSTOCK: Will.

ASSEMBLYWOMAN SPEIER: Let me just point to one part that I thought was particularly illuminating. This was under the finding. "The committee finds that testimony indicates that Ms. Greiner or midshipperson Greiner demonstrates promiscuous and other unusual behavior when under the influence of alcohol." It goes on to talk about some other things. What I thought was particularly sensitive about this particular statement, is the fact that someone would make that within the Academy after there's been a complete evaluation of the woman engaged in this particular activity, and not the man. Now, I would suggest to you that you might want to just read this document as a dean and appreciate what, I believe, is a particular bias.

Let's move on to the MARAD report. Have you read the MARAD report?
MR. COMSTOCK: Yes, I have.

ASSEMBLYWOMAN SPEIER: All right. Then you're familiar with the fact that MARAD requested from Admiral Ekelund a compilation of the number of sexual harassment and other discriminatory actions that may have been made or complaints made at the Academy.

MR. COMSTOCK: Uh-huh.

ASSEMBLYWOMAN SPEIER: And you're probably also aware then that Mr. Sims provided Admiral Ekelund with a comprehensive report about the number of incidents that had occurred and the types of incidents that had occurred.

MR. COMSTOCK: Yes.

ASSEMBLYWOMAN SPEIER: Are you also aware -- and I'm sure you are, if you've read this report -- that Admiral Ekelund did not transmit that particular document to MARAD?

MR. COMSTOCK: I believe Admiral Ekelund can better answer this question. But I believe Admiral Ekelund transmitted to MARAD what it had requested and not the entire report that was compiled by Mr. Sims. But I'd far prefer to have the Admiral speak to that which occurred many months ago. I know that he has discussed the issue with the Board, and I'm certain will be very happy to discuss it openly here.

ASSEMBLYWOMAN SPEIER: Well, I'm suggesting to you, as a member of the Board of Governors, upon reading the fact that CMD did not transmit to MARAD after they had requested that report, and that the only way that MARAD eventually did get a copy of that complete and comprehensive report was when Lieutenant Commander Sims sent it individually, that that should have raised a great deal of concern by the Board of Governors as to Admiral Ekelund's leadership.

MR. COMSTOCK: The Admiral had explained that situation to us very clearly. was in the context of some difficulties we had -- that the administration had been having with a given employee. I don't feel comfortable going into it now as it is a personnel matter. But as far as I recall, as far as the Board is concerned, I believe, the Admiral explained it to our satisfaction, and that he had indeed attempted to comply fully with the MARAD request for the information at hand, that the Sims' report had been more than they had asked for. In other words, I don't think the Board was lied to; I don't think the Admiral did anything that he should not have done; and he did explain it to the Board. The explanation made sense to us. But I'd like to have the Admiral address it when it is appropriate. I can't remember all of the facts of the incident that took place so many months ago.

ASSEMBLYWOMAN SPEIER: The MARAD report refers to an incident that happened on the 1989 cruise, where a midshipman was in Australia; an instructor found him in a bar; and the midshipman, I guess, was AWOL for a number of days. The instructor approached the midshipman and his two women that he was -- two Australian women he was having a drink with, and said to the women, "I didn't know that you girls went out with aborigines."
The midshipman was subsequently suspended for one academic year for being AWOL ...

CHAIRMAN MARKS: Let me tell you, Assemblywoman Speier, the midshipman that you're referring to is here, prepared to testify.

ASSEMBLYWOMAN SPEIER: Okay. Thank you, Senator. My question to you, Mr. Comstock is, upon reading this in the MARAD report, what action did you take?

MR. COMSTOCK: With respect to the instructor?

ASSEMBLYWOMAN SPEIER: Yes.

MR. COMSTOCK: We have not taken any action with respect to the instructor or any other faculty members at this time. That is not to say we won't. I think matters of tenure and personnel issues are such that the Board cannot act on such an issue lightly or quickly. I know that when I read that -- and I know this is true of another Board member or two -- that when I read that, we felt that that was dilatorious language to be used by a member of the faculty. I do believe the Board will entertain the issue. We have not done so yet. We were so busy at the last meeting trying to get through the MARAD report and getting our responses totally lined up, that we have not, I think, dealt with some of the details that have come to light.

ASSEMBLYWOMAN SPEIER: I think what you're hearing from many members of this committee today, though, is that we do not find it sufficient to say that we may, at some time in the future, respond to many of these allegations. That there's a timeliness with which one must act to show that you are, indeed, committed to abolishing sexual or racial discrimination taking place.

CHAIRMAN MARKS: I agree with that.

ASSEMBLYWOMAN SPEIER: There's reference made, also, in the MARAD report to the fact that female midshipmen are assigned double cleaning duty and that they're also required to clean the divisions, male berthing areas, of their peers. This was during 1989. What are your -- what action have you taken as a result of having read that in the MARAD report?

MR. COMSTOCK: I don't think the Board has taken specific action on that, Assemblywoman, but I will wager that such ______ treatment of any type will not occur on the 1990 cruise.

CHAIRMAN MARKS: There won't be any 1990 cruise. Not going to be any 1990 cruise, you just said.

MR. COMSTOCK: I said -- there won't be any 1991, Senator. The 1990 cruise is scheduled.

But as a Board member, I feel very, very confident that the types of differential treatment, discriminatory practices that have occurred on the ship in the equator crossings, will not occur again. I feel every confidence that if any of those examples do, they will not only be the type of ______ of personnel that were discussed here

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earlier, but that there might be -- well, I really don't want to go into that. I don't know what the Board would do. But I know the Board will not condone further repeats.

ASSEMBLYWOMAN SPEIER: One of the excuses that is used by the Academy in responding to a number of these complaints is that they could not identify the wrongdoers. Would you continue to find that to be an acceptable reason for not dealing with the issues of sexual harassment?

MR. COMSTOCK: Assemblywoman, it is difficult upon occasion to deal with a given issue or complaint with any degree of intelligence if you can't identify the wrongdoers. However, I do think some of the actions that the Academy leadership has taken, that the Board has discussed and heard about, are important. They have met with their students and discussed these types of behaviors. They will meet with every single class, incoming and throughout each academic year, to discuss these matters. They have brought in experts to discuss these matters with their students, with their faculty, and with their staff. We are talking about an issue of changing attitudes, changing people's behavior that has built up over a period of 20 or 30 or 40 or 50 years. It is not easy, but I think we are making a major effort to change those attitudes, or at least inform people of what is and what is not acceptable practice, and that there will be punishments should these lines or boundaries be crossed. I do think as an institution, we are doing that job well.

ASSEMBLYWOMAN SPEIER: Mr. Comstock, there's a Legislative Analyst's report that was just made public within the last day or two, _____ part indicates that we probably pay three times as much as taxpayers in the State of California to educate a student at the California Maritime Academy than we do at a California State University facility. It also indicates that there is a surplus, a very large surplus, of persons trained to provide seagoing services on board vessels, and not the jobs there for the graduates. Do you have any concerns that, first of all, we're spending three times as much money to educate these young people for jobs that are becoming fewer and fewer, the demand for which are becoming less and less?

MR. COMSTOCK: Well, first of all, I think we are incurring a greater cost to educate our students because of the difficulty and specialization of our curriculum. At any state college or university, we have, at Sacramento State, for example, 175 to 100 different major areas from which students can select their majors. The Maritime Academy has very narrow major areas, three or four or five, in various areas of engineering and deck activity. Those are costly areas. They can't wash their costs over 70 or 80 or 100 different majors, many of which are relatively inexpensive in which to provide an education such as history, English, etc., etc. The equipment costs, keeping equipment up-to-date, modernization costs of a good solid engineering curriculum will drive your costs up.
I wouldn't worry about those costs and I don't worry about the lack of jobs in the Maritime Academy, Assemblywoman, because our graduates seem to be doing a phenomenal job as far as being placed on the job market in maritime-related fields.

I am concerned when I hear people say -- and frankly, I don't think we know enough about this yet -- that the maritime industry is weakening or dying, because at the same time the State of California and all of the Pacific northwest, are saying that the Pacific Rim economy is going to be that which will boom in the 1990s and earlier 21st century. And California is going to be a big part of that. And certainly, if that's going to occur, the maritime industry is going to have to be a big part of that. So, I guess I'm a bit of a novice in knowing where the maritime industry is going, but I will certainly say this. Our students haven't had any difficulty getting multiple offers of solid employment in the maritime industry.

CHAIRMAN MARKS: All right. Thank you very much. We appreciate your being here.

Let me suggest to you that we're going to try to hear three more witnesses before we adjourn for lunch, Commodore Paul Mead, National President, representing CMA alumni; then, Dr. George Parks, President of the Faculty Association representing CMA Faculty; John Paul, Chair, and Bob Ferguson, Shop Steward representing CSEA Bargaining Unit; Hal Geiogue and Charles Lieberman representing the Legislative Analyst. Then we'll adjourn briefly for lunch. Go ahead.

CAPTAIN PAUL MEAD: Senator Marks, and members of the panel. My name is Paul Mead. I'm a graduate of the California Maritime Academy. I'm a Master Mariner. I've served at sea for quite a few years. I was also on the Board of the California Maritime Academy for six years. Possibly the Senator will recall he was -- I had the honor to have you as a guest on the Independence when we came into San Francisco for dinner one evening.

CHAIRMAN MARKS: I remember it.

CAPTAIN MEAD: My qualifications are that we've been on many ships that have female crew members, both officers and unlicensed. As on the Independence, we had some 80 to 90 female crew members. I also had the privilege of having with me two female officers. We've never had any problems with the CMA graduates, both male and female.

In my statement, I allude to that we as the alumni, also have made an investigation of the incidents at the Academy, and this was conducted to a great part by our National Vice President, Captain Ken Moore, whose daughter was a graduate of the Class of 1988 and was on the 1988 cruise. My statement would be that the officers of the California Maritime Academy Alumni Association have followed the incidents and have conducted an investigation of the incidents concerning Academy discipline that have recently come to public attention.

It is the position of our alumni association that the disciplinary procedures and
policies as developed and recommended by MARAD, the President, and have been approved by the Board of Governors, are both adequate and equitable for the administration of discipline at this institution. As graduates, industry leaders, and seagoing officers, we recognize that no system within a democratic society can prevent individuals from taking independent action that may be contrary to rules and regulations and the interests and well-being of others.

Disciplinary policies cannot always be so limiting as to prescribe exact parameters. Final judgment has to be left to the appointed, experienced officers.

While discipline at the Academy is definitely a matter of concern to the government and the constituents of this state, it is our opinion that the substance of the incidents is considerably less than the public attention it has been given.

As graduates of the Maritime Academy, we help serve the corps and represent the maritime industry on the West Coast. In that connection, we are extremely concerned that the graduates we employ from the Academy do not present a threat to the people for whom they work or with whom they sail. On a continuing basis, the alumni are closer to the realities of the maritime industry than legislators or other segments of the general public.

CHAIRMAN MARKS: Thank you very much. I'm not quite sure that you're more concerned with the problems than legislators. I'm Chair of the committee which this committee is meeting here, I'm very much concerned and aware of the problems of the maritime industry.

CAPTAIN MEAD: We also recognize that, Senator Marks. But we are the people who have to sail with the graduates. Possibly our life would depend upon them at times. We employ them. We certainly don't want somebody that is not well qualified or that would cause a problem to other employees because of their actions that they have learned in the Academy.

CHAIRMAN MARKS: What kind of a study did you make of these incidents? You said you made a study. What kind of a study did you make?

CAPTAIN MEAD: We talked to five graduates who were on the 1988 cruise.

CHAIRMAN MARKS: Including those who were involved with these incidents?

CAPTAIN MEAD: They were all involved in the crossing, in the equator crossing.

CHAIRMAN MARKS: But the graduates you talked to, were they the ones who had claimed a base of discrimination?

CAPTAIN MEAD: No.

CHAIRMAN MARKS: Didn't talk to them at all?

CAPTAIN MEAD: No.

CHAIRMAN MARKS: Then how could you possibly find out the circumstances?

CAPTAIN MEAD: We talked to others. There's two opinions.
CHAIRMAN MARKS: What opinion did you get?

CAPTAIN MEAD: That it was greatly built up. That this was a voluntary action, in the first place, meeting. It is a ceremony that's been going for, as Captain Johnston said, since the Phoenicians were sailing. We do not believe that it had a problem of safety nor do the people engaged in it, that we spoke to.

CHAIRMAN MARKS: Why didn't you question the people who claimed the incidents that occurred? Why didn't you talk to them?

CAPTAIN MEAD: We were not -- they were not available to us. The one person that was involved in it was at sea and was not available. That was the only one. We took a random -- we just didn't call anybody in particular; we didn't look for the complainant or the noncomplainant. We talked to the people that we had access to.

CHAIRMAN MARKS: Question? Senator Craven.

SENATOR CRAVEN: Captain, you mention at the close of your statement, "On a continuing basis, the alumni are closer to the realities of the maritime industry than legislators or other segments of the general public." Well, I, of course -- I probably can't disagree with that.

But you have one other sentence here that I want to make mention of. "Final judgment has to be left to the appointed, experienced officers."

CAPTAIN MEAD: Correct.

SENATOR CRAVEN: Now, combining those two, I find a certain similarity in your position as well as those of my colleagues who are seated here with me. There are many occasions in our daily existence as legislators where frankly we think we know a lot more about a situation than the public does ... 

CAPTAIN MEAD: Yes.

SENATOR CRAVEN: ... because we're exposed to a lot more information than they are. But, by the same token, we must be cognizant of what they think and their reaction and how they perceive things. You say here, "final judgment" this relating to disciplinary policies, "final judgment has to be left to the appointed, experienced officers." I presume that that would include ships' officers on the vessel in question. And yet in reading over the material, I get the impression that they did nothing in any regard to stop or to assert themselves or positions of leadership based on just good common sense or perhaps other reasons, they didn't seem to inject themselves into what should obviously have been obvious to them--being something wrong. Now, are they the experienced officers? If they were experienced officers, why didn't they invoke the privilege of their office and do something at that time?

CAPTAIN MEAD: I was not referring to those ships' officers in particular.

SENATOR CRAVEN: I see.

CAPTAIN MEAD: I was referring to the President ...
SENATOR CRAVEN: You're talking about the campus officers.

CAPTAIN MEAD: The campus officers. But certainly on board ship, the Master, the Captain is the one responsible for discipline; and he certainly should adhere to the policies and see that discipline is carried out.

SENATOR CRAVEN: Yes, sir. Well, of course, the gentleman, I think it was Mr. Comstock, said, everything on the campus was just the way it should be. Well, of course, we would expect that. If activity on the campus was as it was at the time of the equator crossing, it would be like a menagerie. You wouldn't condone that at all because there's a certain inherent discipline which presumably pervades the operation of the Academy. We all have to be disciplined in our various professional pursuits. But, yet, they seem to disregard that discipline and say, oh well, this is something that historically we have done. And that may well be, but don't you think that the action of the midshipman involved got out of hand and was kind of beyond good taste?

CAPTAIN MEAD: Absolutely. We agree with that fully. That the actions at that equator crossing were out of hand. Sophomoric, if you want, whatever it was. But the equator crossing as such, as I say, has been going on for years. You spoke of rocks and ___.

SENATOR CRAVEN: Yes, sir.

CAPTAIN MEAD: It's still going on in the Navy.

SENATOR CRAVEN: Yes, sir.

CAPTAIN MEAD: It's still going on in the Coast Guard; it's still going on in the merchant ships. To my knowledge, there's never been anybody injured. I've crossed the line many, many times. We've always had a ceremony. It's not a ceremony in which it enhances the -- as they're called, polliwogs' esteem of themselves. The ceremony is to downgrade them.

SENATOR CRAVEN: I understand.

ASSEMBLYWOMAN SPEIER: That's _________. (inaudible)

SENATOR CRAVEN: Well, you know, I understand what you say, in having gone through that myself. But I did it in a considerably different atmosphere than presently sails. We had no women aboard ship. And those things that we did, we did among ourselves and all of us being males, you just really didn't get too excited about it, I suppose. But when you have a female crew, I think that it was completed untoward as to what they did.

CAPTAIN MEAD: Well, Senator, I've been on ships that have had considerable female crew members which went through the ceremony during the war, which you spoke of; on troop ships we had female nurses, and so forth. They went through the ceremony. I'm not condoning it ...
CAPTAIN MEAD: ... I'm not saying that it was right. But it is a ceremony and it should -- I see no reason why it shouldn't be carried out ...

SENATOR CRAVEN: Yes.

CAPTAIN MEAD: ... but it should be carried out in a proper prospect.

SENATOR CRAVEN: I think the things that we're primarily interested in is seeing that there's no repetition of what went on ...

CAPTAIN MEAD: Absolutely.

SENATOR CRAVEN: ... but there has to be some affirmation of policy which is delineated very succinctly and distributed thoroughly so everyone knows what the situation is, not only the students, but those people who are in charge of the students, that is the officers involved, and to see that it is carried out to the fullest degree. And that's why I asked about -- I used the term protocol. But you know, we don't have as you said, rocks and ____ anymore, we have the uniform code these days. But 'til the Korean war, we did operate under that, and that's the way I grew up in the service. So I just think that some showing of the fact that we recognize this is wrong; we're disciplining the people who are responsible for this; and from this time on, there will be no repetition of what was carried on. If we knew that, I think that's the step in the right direction.

CAPTAIN MEAD: I think, Senator, you've heard that. In our review we didn't have the opportunity to go through the MARAD report completely, but we did glance at it. I attended the last Board meeting and I know that the Board in its entirety followed the MARAD's recommendation and the President's recommendation for strong disciplinary action, and I'm sure that it will be carried out.

SENATOR CRAVEN: Thank you very much, Captain.

CHAIRMAN MARKS: Thank you very much. Dr. George Parks. We're going to request that those of you who have an opportunity to testify before the lunch make your testimony as brief as possible. Give you an opportunity to testify, but ...

DR. GEORGE PARKS: Therefore, Senator Marks, I will not read the letter that I ...

CHAIRMAN MARKS: Good.

DR. PARKS: ... prepared for you, and you have on your desks to look at.

I have been at the academies for some 14 years now, and probably have as much corporate memory as almost anyone here of what's been going on. As President of the Faculty Association, a position I've held for the last 11 years, I have routinely attended, when my class schedule permits, Board of Governors' meetings; I have read their minutes; I have stayed aware of how they proceed with the various actions that are necessary. Certain specific things have been introduced that I think I might be able to help on today. Question, specifically, what disciplinary action is taken for harassment and is it in existence in regulations? And it most certainly is. It is a
dismissal offense in the regulation book governing the conduct of our midshipmen. You've heard about our Disciplinary Review and Investigating Committee. I often ...

CHAIRMAN MARKS: Dismissal of the captain involved?

DR. PARKS: This is dealing with students, sir.

CHAIRMAN MARKS: Well, what about regulation regarding the captain?

DR. PARKS: The captain serves at the pleasure of the Board of Governors. He is, however, as a member of faculty association, I'd have to remind you that he's a tenured faculty member. He was prior to his taking that position.

CHAIRMAN MARKS: Do you have any authority to dismiss him?

DR. PARKS: He can be removed from that position. If tenure in fact has any meaning with regards to our faculty, he cannot be dismissed from the faculty without a finding of cause for dismissal in that sense; that is, if tenure has meaning. We are civil servants employed by the State of California in Work Group 47 exempt, which means exempt from most of the protections of civil service.

CHAIRMAN MARKS: Go ahead.

DR. PARKS: Other elements that have been brought up, for Assemblywoman Speier, there was some concern about dual cleaning assignments. If I may hazard a guess, and I'm not privy exactly to the details, the women in our student body are members of their respective units. Women are part of their division. There are division spaces in the ship that the division is responsible for cleaning. And I suspect that management chose to not say that the women were exempt from cleaning those portions of the division spaces which were in fact building spaces for men. But, I suspect also that the men are prohibited from entering the billeting spaces that are reserved to the women, period, unless they need to go in and do maintenance or other kind of construction work, because the students are engaged in watch standing, they are often permitted to be sleeping during hours when others are working. And so, if you like, the management was faced with a dilemma.

We started with women, as you've heard, some 15 years ago. We were an experiment. We had no model anywhere, in academies anywhere, as to how you dealt with women in an all male environment in an all male industry. And we attempted to treat our women students as little differently as possible. We had no model even for what kind of a uniform they should wear. We borrowed some elements from the Navy, we borrowed some elements from what the male students were already doing. How are they to be housed? There were no additional expenditures made for special facilities such as the federal academies could do. We made do with the facilities we had. We have quantized our housing such as it exists in such a way that the women can have housing that is somewhat separate at least, but still part of our overall situation. When the number of women enrolled changes and we are faced with that, I'm afraid again this year on
cruise we are just about maxed out for the sleeping space in the area that has been
designated to women. If our enrollment grows another 3 or 4 percent, another major
realignment will have to be done.

SENIOR CRAVEN: Doctor, may I ask? I would presume aboard ship in order to
facilitate training, women are not a separate division, that women serve within
divisions on the vessel. Is that correct?

DR. PARKS: That is exactly correct, sir. And they stand watches exactly as their
male counterparts will.

SENIOR CRAVEN: I see. So, there's only a separatism, if you will, as it relates
to billeting.

DR. PARKS: They sleep separately, and their head is separate.

SENIOR CRAVEN: Yes.

DR. PARKS: We do not have the luxury of having passenger-type accommodations.

SENIOR CRAVEN: I understand.

CHAIRMAN MARKS: Assemblywoman Speier.

ASSEMBLYWOMAN SPEIER: I'm not clear on your explanation. The MARAD report
indicates that on the 1989 cruise, the female midshipmen were given double cleaning
duty. They were required not only to clean their areas, but the division's male
berthing areas as well. In your explanation, that was what?

DR. PARKS: It would be my estimate, and I think the Captain can address this much
more directly, and he is here. It would be my estimate that the women members of the
division were expected to clean the division spaces with their bill; the division
spaces, which includes some classroom-type facilities, some study areas, and the
billeting spaces. I would hope the women weren't asked to clean the men's head.

ASSEMBLYWOMAN SPEIER: They were asked to clean the male berthing areas, as well as
their own. I think the question is probably better discussed with someone who was on
the cruise.

DR. PARKS: Certainly, but I would also submit that the men were not permitted to
be in the women's spaces to clean those spaces. And this is a choice, and the Captain,
as I say, can address it further.

You also commented, Assemblywoman Speier, about minority and women recruiting. You
were addressing, I believe, appearances before the appropriations portion of business
where we were requesting funds for people to do specific recruiting. In a time 10
years past, when we had the luxury of having several hundred applicants for a student
body which could enroll 100 to 150, we the faculty were the recruiters simply by
answering the mail and the telephone. We didn't have to do anything. The applicants
appeared. And this unfortunately did not get an adequate minority representation; it
did a more than adequate job of getting female representation. But the minority of
representation wasn't happening because most of our students were, in fact, coming from families or schools or areas which were already experienced with other maritime experienced people. We got whole families full of kids. People that know us find that our institution is an appropriate place for some significant fraction of their young people to go to college and seek employment. The people that don't know us, and this is why the recruiting effort now is almost entirely directed in minority areas, is to break this syndrome that minorities do not exist in the industry because, of course, 30 years ago they didn't. And so, we now need the funds to do recruiting and this has been requested and we have positions that are specifically directed at that.

There was one other comment about high cost instruction. Why do we cost so much? I think a major element is we have no graduate students. Lower division instruction is done by fully qualified faculty members. We also must do instruction hands-on, almost one-to-one, in the operation of various elements in the ship. This is not an economical process. You cannot lecture on the operation of a ship's boiler to a class of 400. You eventually must take the individual to the boiler and show him how to do it; put his hands on it; and it's got to be done with faculty supervision because this is dangerous.

We have one member who has been faculty -- has been an equator crosser -- I, too, crossed the equator a long time ago. It was crude; it was ineloquent; it was not any fun. When we brought women into the institution, I think our first effort was not to change anything more than we needed to. And need was poor perception, if you like. It would also be noticed that the equator crossing ceremony has traditionally been primarily one done by the men, the enlisted men in the ship. It has not been an activity of officers, except to have as little to do with it as possible. When I was a midshipman, I think I was pleased to have it taken care of before I was a junior officer so that wouldn't be a problem. Our students, I think, by and large, looked on it the same way, so it would not be a problem when they were licensed officers to have to deal with it. And it got away from us because our mass of students in the ship were doing it to each other. Teenagers are not nice to each other. They can be crude and improper.

The next effort was to make it voluntary, the 1989 cruise, the equator crossing was voluntary. They had to sign that they were willing to participate in it. Those who didn't had one sanction imposed; they had to stand watch to manage the ship while the others did it. And that was the sole sanction; they were the people who did the work of the ship while the others went through the ceremony. That was not adequately managed, and the equator crossing is gone. It's regrettable; they'll get their card and that'll be it. It was a right of passage that belonged in old maritime world and it doesn't belong anymore.
Can I respond to questions, try to represent faculty ...

CHAIRMAN MARKS: Thank you very much. We appreciate your being here. Thank you.

John Paul and Bob Ferguson. We're going to try to finish up in just a few minutes for lunch. John Paul and Bob Ferguson. I'd like you also to make your testimony as brief as possible.

MR. JOHN PAUL: I'm John Paul. I'm the Chairperson of Bargain Unit 3, with CSEA, and we negotiate basically for the contract at the California Maritime Academy representing employees there.

MR. BOB FERGUSON: I'm Bob Ferguson. I'm John Paul's predecessor as Chairman of Bargain Unit 3, which represents the faculty at the Academy. I'm also an employee of the Maritime Academy.

I'm going to just make a few points for the record. There seems to be some confusion. Some of the faculty members at the Academy are civil service; some, as Dr. Parks, are not civil service. There are different rules that apply to these two groups. There's also a law that applies, the Dills' Act, the collective bargaining act. Discipline comes under the collective bargaining act in regard to the represented employees.

CHAIRMAN MARKS: Are you saying that the civil service employees cannot be disciplined?

MR. FERGUSON: I'm not saying that at all. I'm saying they come under the contract. There is a disciplinary procedure which the Board of Governors has nothing whatsoever to do with. Now, they can be disciplined and they are disciplined. In regard to sexual harassment, the issue at hand, the state employer has consistently refused at the bargaining table to allow sexual harassment or discrimination to be grievable. And I quote to you from the contract that's in effect through June 30, 1991. And it says, "No state employee shall be subject to sexual harassment. The state agrees to take such actions as necessary to ensure that this purpose is achieved and shall post a statement of its commitment to this principal at all work sites. Allegations of sexual harassment shall not be subject to the grievance and arbitration procedure." The state, in fact, we believe the state employer, which of course is not the Legislature, is responsible for not allowing it to be grievable and to be settled at the work site.

In case of sexual harassment at the Academy, they indeed are handled and handled well, I believe, by its labor organization. CSEA at the Academy represents approximately 100 of 140 employees. That includes the clericals, the food service employees, and the faculty and the administrative staff. We do not represent the supervisors as a collective bargaining unit or of course management. CSEA has a long history at the Academy. Our first group was started there in '51. We also have a long
history of adversity. We've had problems, and we will probably continue to have problems as we see it if we are an effective labor organization. We believe that in the problems that have arisen and have appeared in the press primarily came about because of a lack of sensitivity on the part of management. Now, not all management. One in particular we believe caused a great deal of problems. He's no longer there. Why he's not there, I don't know. I'm just glad he's gone. Some of the cases have been adjudicated. We have usually won every case we have pressed and have assisted employees in pressing. The Academy, in the past two years approximately, has shown a different attitude in at least communicating with its employees, and that's good. We're glad to see that. We have been able to sit down with the Academy management and settle a lot of our problems. This didn't happen in the past.

When problems go beyond the Academy for resolution, as they do in the grievance and arbitration procedure, and reach Sacramento, they go into a time warp. Nothing happens. So we try to resolve things at the Academy. Mr. Paul and I work on these types of cases all the time.

There seems to be some confusion on some people's part about the Academy's staffs' role in recruiting minorities and women. One of our represented employees in Unit 3, who is a minority himself, has been assigned for many years to the exclusive task of recruiting. And I would presume, since he is a minority himself, he would look after recruiting minorities. So in that respect, I feel that the Academy is falsely accused.

In regard to our faculty members, our Unit 3 members who are women and minorities, the Academy, we believe, as a union has had a very difficult task. First of all, we expect our faculty members to be well trained in the merchant marine industry as well as having advanced degrees. Considering how few women have gone through an academy, how few women have left the industry and have obtained an advanced degree, because remember, it wasn't long ago that the Academy did not even award degrees, it's very difficult to get these women. We have two now on the faculty. And CSEA has always encouraged affirmative action for minorities and women. We're very proud that the head of this largest local union in the nation is headed by a woman. We're very proud that we've pursued the sex-base wage discrimination suit, and it's not over yet. And we'll continue to do that.

We have a fair working relationship, at this time, with the Academy management. We do feel still that there's some changes that need to be made there, and we believe they will be. We feel there's still possibly a problem with lack of communication with the faculty. In the decision making process, we feel that more communication is needed. And I think it will come about. We'd like to see a stronger faculty association, which doesn't deal with collective bargaining matters whatsoever. But it is a place where input could be received from the faculty. I think that if consistent with modern
management techniques, that when the employees are involved in the process, you end up with a better situation. And I think that's going to happen at the Academy.

In regard to training for all employees, rank and file, supervisory, and management, the Academy has instituted an excellent program. Sure, it's in reaction to what's happened, but nevertheless, it is in place and it is working; the employees are not always happy about attending all the classes, but they do attend the classes.

In regard to disciplining employees, even if they are civil service or covered by a contract, there's no problem in doing that. It's a very systematic method where due process is observed. This wasn't necessarily always the case. The state employer didn't even want to recognize that the exempt faculty, initially under collective bargaining, were represented. That's been adjudicated in the arbitration process and through the Dills' Act, the unfair labor process, and they now recognize that every one of us is covered by a union contract. And they obey those union contracts. They also post nondiscrimination statements. They also, in regard to the sexual harassment policy, it's posted everywhere. Employees are aware of it. They're aware, that even if they don't agree with it, that they will be held accountable for it. You don't have to agree with the law; you just have to obey it. And that's what they're doing.

The Academy faculty, Unit 3 people, and the other CSEA units, want to be part of the process at the Academy, and the part of the resolution to the problems that we've had. We've read in the paper that some legislators have suggested to close the Academy down, apparently because it's a cancer in the state educational system. We don't believe that's true. We do know we've had problems, and one of my coworkers is here today, and she's on the agenda. She can tell you -- both of them actually, there's two -- can tell you the problems that we've had with sexual harassment, and what was done and what was not done to correct the problem. Management needs to make some hard decisions, and I think they're in that process now. Maybe not willingly, but they're still doing it. Our staff is not perfect, but our staff and our represented employees will absolutely do anything they can to stamp out discrimination and sexual harassment.

Mr. Paul: In the last year I've spent about five days up at the Maritime Academy dealing with various items. Mr. John Keever, Captain Keever, has dealt with us very, very well, lately, we've had an excellent time. Our problems have been worked out through him, with him, because of his intervention. And quite honestly, right down the line, it seems that the Academy itself has been anxious to take care of the various problems. It's been dealing with the Department of Personnel Administration where we've had our problem. The Academy, quite honestly, has made a large number of changes. And from our perspective, quite honestly, the Academy is much more forward thinking. It would be nice to have some input from labor, perhaps on the Board; at the present time, we don't. And it would be nice, perhaps, to have that kind of chance for
input. But I must say that in the last year, it's been a much, much better situation in dealing with the Academy than it has been in the past. Our major problem has not been the Academy, it's been the Department of Personnel Administration.

CHAIRMAN MARKS: Do you think the Board of Governors has moved promptly and efficiently?

MR. FERGUSON: The Board of Governors, at least in regard to personnel, have basically no say. They could only say to management, you better have these people shape up according to their union contract.

CHAIRMAN MARKS: Who has the power?

MR. FERGUSON: The power is the management; and as Mr. Paul has said, the Department of Personnel ...

CHAIRMAN MARKS: You mean Admiral Ekelund.

MR. FERGUSON: Admiral Ekelund. He, in fact, would discipline an employee, the employee appeals to the Department of Personnel Administration.

CHAIRMAN MARKS: Has Admiral Ekelund moved promptly and efficiently?

MR. FERGUSON: I think if Admiral Ekelund has one fault, and that is that he's probably too nice to the employees, and you'll never hear a union person say that.

MR. PAUL: I must point out also that this institution does not have a unique problem. I've just gotten finished dealing -- I work at the California School for the Blind; I work with blind and deaf/blind students. I work in a situation very similar to the types of situations on a ship in that my students are on table saws, drill presses, wood lathes, those types of things, and they're blind and deaf/blind. And it's a matter of -- it's a situation where it takes one-to-one instruction. The problem is that in dealing with the situation like this, there's a high cost, there's a problem, communication especially with our kids is a problem. But in this situation with the Academy, if someone does not file a proper police report, if someone does not give the administrator at the school the tools with which to take action against someone, it becomes extremely difficult to take any type of action against someone if there's not an adequate report, and it must be filed. The problem is, in many of our cases, we do not get those reports filed appropriately.

CHAIRMAN MARKS: Are you saying that the reports here in question were not filed appropriately?

MR. FERGUSON: In one case, where we've been talking about the date-rape situation, which I was involved, because the students are allowed to pick an advisor of their choice, I represented the young man and got him an attorney. Due process was absolutely followed. You cannot say to an attorney that asks for a continuance that, no, you can't have that. In that particular case, both attorneys, both for the young man and for the young woman, asked for continuances. The case was investigated. The
statement read from the committee's report in regard to the young woman's previous behavior -- when you defend a student, you don't sit in for deliberations, so I don't know anything about that. I do believe that the case was handled expeditiously, and that certainly the staff did everything they could to ensure that these young people received adequate counsel.

CHAIRMAN MARKS: Thank you very much. Any questions?

ASSEMBLYWOMAN SPEIER: One question, Mr. Chairman. Is it not true that the midshipman has been dismissed from the Academy?

MR. FERGUSON: I believe for another reason, completely unrelated to the date-rape situation.

ASSEMBLYWOMAN SPEIER: Thank you.

CHAIRMAN MARKS: Thank you very much. We appreciate your being here.

The last witnesses we're going to hear are Hal Geiogue and Charles Lieberman, representing the Legislative Analyst. Again, after they've finished, which we hope will not take too long, we're going to adjourn for lunch. We still have a number of witnesses to be heard.

MR. HAL GEIOGUE: Hi, Senator. We'll try to give you the five minute version ...

CHAIRMAN MARKS: Good.

MR. GEIOGUE: ... as best we can. Mr. Chairman ...

CHAIRMAN MARKS: I have read it.

MR. GEIOGUE: Oh, good.

ASSEMBLYWOMAN SPEIER: Mr. Chairman, before Mr. Geiogue makes the presentation.

I'm not going to be able to be here for the entire hearing this afternoon, but I've just been made aware that this young man who was dismissed has been allowed to continue to complete his program at the Academy pending his appeal. And I would hope that during the discussions this afternoon, a question would be placed before the Admiral as to why a dismissal is not a dismissal; and what's the logic behind that kind of an approach?

CHAIRMAN MARKS: Okay, thank you.

MR. GEIOGUE: Okay, thank you. Mr. Chairman and Assemblymember Speier, I am Hal Geiogue with the Legislative Analyst, and with me is Chuck Lieberman, a member of our staff. We have just recently -- in fact yesterday, sent copies to all of your offices -- completed a study of the Maritime Academy to evaluate basically the cost effectiveness of the Academy and to determine whether alternative approaches for carrying out the Academy's mission should be considered. Now, we initiated this study for two reasons: first, it is part of our ongoing responsibilities to the Legislature to review all state-funded programs, and we have not conducted an in-depth review of the Academy since 1971; second, we noted that the U.S. maritime industry continues to
be in a state of serious economic decline, a condition that began several decades ago, and it appears to be continuing. Due to these factors, we did a review whether continuation of state support for the Academy as presently constituted is warranted, especially given other pressing state needs. Now Chuck was the primary author, and I'd like him, as I said, to give you the five minute version; and we do believe this is a matter that could be considered much more in-depth. After all, ______ have had a time to study the report and maybe for a subsequent hearing, but we would give you the highlights right now.

DR. CHARLES LIEBERMAN: We conducted a cost/benefit analysis; and I think probably in the interest of time, we should proceed to the summary of the cost and benefits if we were to eliminate support of the California Maritime Academy, which is one alternative that we considered. And you might, if you have the report in front of you, you might want to refer to the Table on Page 27.

We found that eliminating support of the CMA would result in net state savings of approximately $5.4 million annually plus annual inflation adjustments. And if you're referring to the Table, that consists of a combination of the $6.4 million in direct state savings, the General Fund appropriation less the Fuel Oil reimbursement -- these are based on 1989-90 costs -- less the estimated cost of $1 million to support students who, if there were no CMA, would instead be attending public colleges and universities. Elimination of the Academy would also result in a one-time multi-million dollar revenue gain if the property were sold. The net benefit from disposition of the property, however, would depend on the value of the property in its current use compared to the best alternative use of the property, and we cannot determine that, and that's the reason we list that as an unknown benefit.

Weighed against these direct fiscal gains is the negative impact of eliminating the Academy on the students, the industry, the Academy's employees, and local economy. We could not express these effects in quantitative terms, but our review indicated that the impact on potential students -- and we're not talking about the current students because we're operating under the assumption that if the Academy were closed, it would be phased out, so the existing students would not have to transfer -- and we concluded that the impact on potential students, the employees, and the local economy, while there would be an adverse effect, would appear to be relatively limited. And in the interest of time, I won't go into detail on that, although we do discuss that in the report.

Regarding the impact on the industry, we concluded that the industry would have very little difficulty in finding licensed applicants for job vacancies in the absence of CMA. We based this conclusion on an analysis of the current and projected supply of and demand for deck and engineering officers. However, the impact of eliminating the
CMA on industry productivity is less clear. Industry productivity could be affected adversely depending on the extent to which CMA students receive better training than potential employees that would be recruited from other sources such as the other academies.

Some evidence of the quality of the CMA training is reflected in the relatively high percentage of these graduates who obtain employment in seagoing positions, where 71 percent of the 1988 graduates found employment. This is not sufficient, however, to enable us to conclude that there is a qualitative differential between CMA graduates and the other academy graduates, and to further determine that such a differential could result in an effect on industry productivity.

However, we were able to develop two alternative ways to approach this issue. As part of our cost benefit approach, we conclude that a decision to terminate or continue support of the Academy could depend on the degree to which industry impact -- this one factor that I've just discussed -- is assessed according to the following two criteria: 1) the need to meet a documented labor market demand, and 2) the job placement success of the Academy. If the Legislature chooses to apply the first criterion or both criteria, as the Legislature has done in the case of community college vocational education programs, a strong case could be made for terminating support of the CMA based on labor market projections. You might want to refer to Table 4 on Page 21. And we conclude this because current projections show a significant over-supply of merchant marine officers out to the year 2000, an over-supply that would exist even if we exclude CMA's contribution to the projected level of supply. If, on the other hand, the Legislature chooses to apply only the job placement criterion, as the Legislature has done in the case of specific programs at the University of California, continuation of state support of the CMA might be justified.

We identified three options for the Legislature in its consideration of the CMA. The first would be to eliminate state support of the CMA on the basis that the Academy is not necessary to meet the projected labor market demand for licensed deck and engineering officers and is therefore considered to be not cost effective. The second option would be to continue the existing level of state support of the CMA on the basis that its job placement success reflects superior productivity and therefore indicating that the Academy is cost effective. The third option would be to continue to provide merchant marine officer training, but to reduce the state's cost of doing so by following one or more of the following alternatives: increase the level of CMA support provided by students and the industry; or, replace the CMA either with a comparable program at a CSU campus; or, a financial assistance program for those students who would be attending out-of-state maritime academies. And again, we discussed those in detail in the report. I won't go into those at this time.

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In our analysis we were not able to acquire all of the data needed to recommend one of these options. This was because of the difficulty of quantifying certain benefits, particularly those that are related to industry productivity that would be associated with the CMA. Consequently, the Legislature will need additional information to fully explore which course of action to pursue. And we believe that it's possible to collect this information, although it would difficult to quantify some of these benefits. But we believe that the information could be collected and could be evaluated by the Legislature in a subsequent oversight hearing. And consequently, we recommend that the Legislature conduct such a hearing.

That concludes my summary of the report.

CHAIRMAN MARKS: Thank you very much. We appreciate your being here. Let me...

(background talking)

How long would it take? How long would it take you to get the rest of the information that you say you're unable to get? And when would you recommend another hearing on this subject?

DR. LEIBERMAN: Well, as far as collecting the information, I think that would depend on some determination by the Legislature or any member of the Legislature on the type of information that the Legislature would consider to be relevant. For example, we could conduct a more formal and extensive survey of the industry regarding the quality of CMA training. So a lot would depend, first of all, I think, on making a determination as to whether that approach is one that the members want to take. Do they want to use, for example, the job placement success model that we talked about? Then the collection of that information might be relevant.

On the other hand, if the members want to take the approach that the key criterian would be the Maritime Academy academy meeting a documented labor market need; in that case I think that the collection of additional information which would, you know, take quite a bit of time on the part of our office, would not really be necessary.

MR. GEIOGUE: One other response. Within the idea of the industry responding, I think a hearing within, say, three to four weeks, would be appropriate, to give them enough time to review our report and make comment. But that's up to your schedule and the busyness of the Legislature's...

CHAIRMAN MARKS: Thank you very much. What we're going to do right now is adjourn for half an hour, afterward which we'll hear from William Creelman, Bruce Carlton, Admiral Ekelund, and a number of other witnesses. We'll also show the tape after lunch. We'll go for half an hour; we'll adjourn.

(LUNCH RECESS)

May I ask the Sergeant-at-Arms to show the tape.

(SHOWING OF VIDEOTAPE)
MR. WILLIAM CREELMAN: ... I have with me Bruce Carlton, the Director of Labor and Training at the Maritime Administration as well. I am William Creelman, Deputy Administrator for the Maritime Administration. Your invitation to Captain Warren Leback, our Administrator, is appreciated. But he had a conflict in his schedule and I'm here to appear on his behalf.

MARAD's relationship with the California Maritime Academy extends over many decades. While the precise form of that relationship has changed over time as the various governing laws have evolved, the core element has remained constant. The California Maritime Academy is an element of the higher education system of the State of California. However, because the Academy's curriculum has been approved by the United States Coast Guard and by MARAD, and is designed to graduate licensed merchant marine officers, we are able to provide assistance to the school and its students through the provisions of Title XIII of the Merchant Marine Act of 1936, as amended.

At the present time, our assistance takes three forms: one, an annual payment of $100,000 to be used for the maintenance and support of the school; two, a limited number of Student Incentive Payments, known as SIP's, of $1,200 annually, paid directly to students enrolled at the school; and three, the loan and maintenance of a training ship, the Golden Bear, in this case, to be used for annual training cruises. This same assistance is provided to four similar institutions located in Maine, Massachusetts, New York and Texas. The Great Lakes Maritime Academy in Michigan does not use a training ship, but does receive other financial assistance.

The Maritime Administration also runs the U.S. Merchant Marine Academy at Kings Point, New York, a four year accredited federal academy. As graduates of the Merchant Marine Academy, both Captain Leback and I are very familiar with the curriculum elements and administrative practices essential for a successful maritime program.

In May of 1988, MARAD's staff was contacted by the district office of California Congressman William Dannemeyer concerning allegations of sexual harassment and discrimination conveyed to them by a constituent female enrolled at the CMA. The incidents occurred during the training cruise earlier in 1988 on the Golden Bear, and they were associated with the equator crossing ceremony aboard the ship, similar to what we just witnessed. In particular, the allegations included hazing, singling out individuals as so-called "special cases" in the crossing ceremony, destruction of personal property, sexual name-calling, and other sexual activities designed to be demeaning, and an equator crossing ceremony which was described as out of control.

In looking into this detailed and serious complaint, we discovered other complaints of a similar nature involving CMA. At that time, the former Maritime Administrator, John Gaughan, wrote to the Academy President, Admiral Ekelund -- that was in July of '88 -- to advise him of these complaints, apprise him of our intolerance of such
incidents, and request a full report by August 15, 1988. Mr. Gaughan also wrote to the Office of the Inspector General of the U.S. Department of Education requesting their attention to this matter within the context of their audit function. The Department of Education later declined to initiate such an action as beyond their area of responsibility.

We received Admiral Ekelund’s report as requested by Mr. Gaughan. And at a later date, we were given a copy of a considerably more extensive report prepared by an Academy employee, Mr. Donald Sims. We received that report, not from Donald Sims, as had been testified to earlier, but rather through Congressman Dannemeyer’s office. We found that the Academy’s report omitted many details contained in Mr. Sims’ report. During our review of the reports in late 1988 and early 1989, we continued to receive other complaints about sexual harassment, from parents, Congressman Dannemeyer’s office, and the offices of two California State legislators. We again contacted the Department of Education and the Department of Justice. Neither were able to proceed because of a lack of jurisdiction. I met with Admiral Ekelund in my office on March 23, 1989, after another meeting of state school presidents, to further press our concerns and look for answers to the complaints that we had received. Unfortunately, that meeting did little to dispel my concerns. In light of the continued complaints and the absence of adequate answers to our questions, I directed my staff to conduct onsite interviews and a thorough investigation which was made during the last week of June.

With this background, I’ll turn now to the investigation and the report of that investigation. Since copies of our report have been provided to the committee and the staff, I’ll only provide highlights here today. Our intent in undertaking this investigation was to determine and verify the facts. We did not try to adjudicate any matters of which we were already aware or which we subsequently learned of.

Unquestionably, the single most disturbing discovery we made was that the same sort of abusive and harassing behavior that had been reported to us regarding the 1988 training cruise was in large part repeated on the 1989 cruise. This occurred even after we made our vigorous disapproval absolutely clear to the school following the 1988 cruise. Worse still, we had been assured that the 1989 cruise had gone well with no problems of the nature enumerated before. Yet, the videotape, which we’ve just seen of the equator crossing ceremony on the 1989 cruise provided to us by a student at the school, vividly demonstrated Academy personnel passively observing while their students engaged in dangerous, violent, and abusive behavior. Both Admiral Ekelund and Captain John Keever, Master of the training ship, understood and agreed that the 1988 was totally unacceptable. Despite this admission, and despite some relatively minor improvements, such as the presumed shortening of the ceremony, we found the '89
ceremony filled with instances of sexual harassment and discrimination, condoned by the Academy, but unsupervised, and abusive mentally and physically. Astonishingly, disciplinary charges were not brought against any students until six months after this ceremony, and a week after our investigators had been at the school.

Our report details results of extensive interviews with students, faculty, and staff, and reviews of various documents requested of the Academy. Numerous other instances of sexual harassment both on and off the training ship were reported. These included instances of unauthorized men entering women-only areas, unfair work assignments, poor communications, and fondling of food service workers.

CHAIRMAN MARKS: Incidents that you can tell us about?

MR. CREELMAN: They are outlined in the report which I believe you have a copy of. They are numerous. We have no way of determining their validity. They were passed on to our investigators outside by individual students who were interviewed. We made no attempt to verify them. We've gone to great pains to point that out. But simply pass on that in the course of the investigation and the interviewing of students, these reports were made to our investigators. We pass them along to the school authorities and to the California authorities to take whatever action they deem appropriate.

CHAIRMAN MARKS: Mr. Johnston testified that all the incidents that you refer to in the MARAD report were taken care of. Is that correct?

MR. CREELMAN: No, I don't believe that's correct. And I'm not sure that that's what he testified to. I think what Mr. Johnston testified to was that the Board of Governors accepted our report, and were going to implement those recommendations which we thought appropriate to correct the problems that we felt urgently cried out for attention. I don't believe he intended to say that every allegation that was made in that report by an interviewed student had been investigated and pursued to its conclusion.

CHAIRMAN MARKS: I'll look at the testimony, but I'm quite sure that's what he said.

SENATOR KEENE: Question, Mr. Chairman.

CHAIRMAN MARKS: Senator Keene.

SENATOR KEENE: If -- you indicated -- I returned in the -- somewhere during the tape ...

MR. CREELMAN: Yes.

SENATOR KEENE: ... and you indicated that there were suggestions in the tape -- of the videotape of sexual harassment and other ... (cross talking)

MR. CREELMAN: Yes, I think so.

SENATOR KEENE: Okay, I didn't see it while I was here. I may have missed it.

MR. CREELMAN: Well, you may have. I think it's necessary in looking at that tape
to hear what's being said, and to watch it rather closely. I also have seen it a couple of times, but in a small room where one can hear what's being said and see what's being done much more closely than is possible in this circumstance. And while I know it's easy to trivialize what's being observed there as mere skylarking by a bunch of young students, I found it something else. And I think most of those of us who have looked at it carefully come to that conclusion as well. Most of all, I come to the conclusion as a former ship's officer myself, that what went on there was at least dangerous. High pressure fire hoses and roughhousing on a wet deck close to the rail of a ship at sea is damn foolishness, and should not be tolerated by any ship's officer.

SENATOR KEENE: Let me just refocus my question. I didn't mean to trivialize it, and I don't take lightly the comment you just made about the importance of safety and the fire hoses near the edge of the ship. But those are of a different dimension than the charges of sexual harassment.

MR. CREELMAN: Yes they are.

SENATOR KEENE: Was there evidence of sexual harassment on the tape, and if there was, could you tell me what you saw, because I was looking but I was also talking, so I may have missed it.

MR. CREELMAN: Yeah. I think there's -- and this is in a -- there were both men students and women students in that lineup, and I think the suggestions of oral sex that were dominant there for a good period of time are definitely -- represent in my mind sexual harassment for the women who were either observing or participating in that ceremony. I think it was quite inappropriate.

SENATOR KEENE: And was that in the tape?

MR. CREELMAN: Definitely, yes.

SENATOR KEENE: Okay, may -- I don't know. Maybe I could look at it at some point again.

MR. CREELMAN: I suggest that you do. I think you'll see what we're talking about.

SENATOR KEENE: Okay, I'll do that.

ASSEMBLYMAN TOM HANNIGAN: Just on that point, Mr. Chairman. You talking about this videotape that ...
CHAIRMAN MARKS: Yes.

ASSEMBLYMAN HANNIGAN: Not a staff person, but a student.

CHAIRMAN MARKS: A member of that crew.

ASSEMBLYMAN HANNIGAN: That Assemblywoman Speier made available to me, is that the same tape we're talking about?

CHAIRMAN MARKS: I think so.

ASSEMBLYMAN HANNIGAN: I don't recall the references to oral sex because -- and I say that because there was an earlier reference to the -- oh, I don't know what the -- exactly how it happened, but students were asked to kneel down ...

CHAIRMAN MARKS: The sausage incident.

ASSEMBLYMAN HANNIGAN: Yeah, the sausage situation, so I was -- when I watched the tape I was looking for that.

MR. CREELMAN: That followed the reports of the 1988 cruise.

ASSEMBLYMAN HANNIGAN: It's a different cruise?

MR. CREELMAN: Yes.

ASSEMBLYMAN HANNIGAN: Oh, okay. I mean, there was a lot of the questionable safety practices on this tape I saw.

MR. CREELMAN: You'll find both, I think, if you have an opportunity to listen to it closely, and ...

ASSEMBLYMAN HANNIGAN: The one I had, I took home. There was no interruptions and no distractions. I watched it myself, and you know, I didn't see that sausage thing. I did see a lot of other stuff. Maybe I had a different tape.

MR. CREELMAN: Could be.

CHAIRMAN MARKS: Why don't you go ahead.

MR. CREELMAN: We would be glad to walk you through it if that's what is necessary.

SENATOR KEENE: Yeah, I'd be interested in seeing it. I'm not trying to be cute, I just want to be ...

MR. CREELMAN: I'd hate to see it again, but we'd be glad to volunteer our assistance in that regard.

SENATOR KEENE: Well, the charges are serious ones and ...

MR. CREELMAN: Yes, they are serious.

SENATOR KEENE: ... and if the tape does show those things, I would like to know it and see it. Is there a chance we can do it again, or do portions of it, or ...

SENATOR KEENE: Could we do it at the end of the hearing?

CHAIRMAN MARKS: Yes. We'll do it at the end of the hearing.

SENATOR KEENE: Sure.

CHAIRMAN MARKS: Why don't you go ahead. You start with "The report also..."

MR. CREELMAN: All right. The report also listed the events and activities...
undertaken by the Academy to develop an awareness of the problem of sexual harassment among the student body and the entire Academy community in 1988 and early 1989. While well intentioned, we have concluded that they were ineffective, at least for the '89 cruise. The efficacy of continuing efforts to educate Academy students and personnel will be tested in the 1990 training cruise which begins in just over one week.

We concluded in our report that the central problem was one of leadership and a failure to enunciate an unequivocal policy of intolerance of harassment or discrimination of any sort. This was evident in our review of disciplinary case records in particular. We expressed our concerns that more effective training, integrated into the fabric of the Academy community, was clearly needed. We also pointed out weaknesses in counseling, female representation in the faculty, and certain personnel problems. The Academy acknowledged these matters and indicated steps were being taken to improve.

We've directed an end to any future equator crossing ceremony, and a prohibition on further irresponsible and violent behavior on the training vessel. We also strongly recommended the six detailed actions to be undertaken by the Board of Governors at the Academy, involving such matters as training, counseling, accountability of all levels of management, evaluation of performance, and the like.

CHAIRMAN MARKS: Has the Board of Governors followed those six recommendations?

MR. CREELMAN: They have indicated that they have accepted all six recommendations in our report and will take action to implement them.

CHAIRMAN MARKS: But soon, not yet?

MR. CREELMAN: They have already accepted at a Board meeting -- their last Board meeting, I believe, as we understand it in a letter from the Board, that they have taken our recommendations and are in the process of implementing all of our recommendations. I'm sure that will be over time, but presumably anything that required immediate attention was being acted on promptly.

Now earlier, a portion of a letter from Captain Leback, Maritime Administrator, was read by one of the Board members, I believe. That may -- that reading of a paragraph from Captain Leback's letter may have been somewhat misleading. It sounded as though the Maritime Administration was absolutely satisfied completely with the actions outlined by the Board. I think if you read the full letter, the letter reserves judgment.

The letter says, we have your indication that you've accepted our report and will act on it; we're pleased about that. But we will wait to see the results of first and foremost the 1990 cruise, and determine then whether or not the actions that you've indicated you're taking have been effective. We're interested in results, not an exchange of letters.
And so I wanted to point out that that paragraph taken somewhat out of context is not an absolute and ringing endorsement of what's being done, although we're pleased that the Academy has accepted our report and are taking actions that we recommended and other such actions as may be necessary to correct a situation that's been troublesome.

Finally, in an attempt to be absolutely certain our message of disapproval was received and understood, we asked for and received an invitation to address the Board of Governors. I did so at the meeting on November 15. I can assure you my message was unequivocal: we were out of patience and the school was on notice to improve its performance. The Board unanimously adopted our report, as I've indicated, and has since responded to each of our recommendations with a planned action. Captain Leback has acknowledged the Board's activities, and he's also told them that the Maritime Administration does not intend to manage or to micro-manage the Academy from Washington. We firmly believe that it's a matter for the State of California and the Board of Governors to take action on.

I indicated earlier I would conclude our views and expectations for the future. The school's administration and Board of Governors have a large task ahead in carrying out their plan of action. We expect them to evaluate the effectiveness of their actions periodically, and to make modifications in their plans as necessary. We've asked for continuing reports from the school on progress. We assume that interested members of this committee and the State Legislature will also seek a continuing flow of information from those responsible for managing the school. We think the state is in a far better position to do that than we are in Washington.

The California Maritime Academy has produced many fine officers in our merchant marine, as has been testified to here this morning, and leaders in the American maritime industry. We believe it is an enormously valuable resource not only for this industry, but for its corollary role in our national defense. The Academy has served a vital function for California industry, and broadly speaking, the maritime industry, fishing industry, and all elements of the maritime community, including terminals, that serve that industry.

Please don't interpret our severe criticism as a call to close the school. That is clearly not our intent or our desire. Unacceptable practices have been identified, and will not be tolerated by the federal government. Corrective actions have been set in motion. We will insist on implementation of those actions and any other necessary actions. We will be monitoring the Academy's progress. The future of the Academy is in its own hands.

Mr. Chairman, that concludes my statement. I would like to make one comment, though, on a statement made by the group talking about the evaluation, the cost/benefit evaluation of the California Maritime Academy, where -- yes, this report, Options for
the Legislature. There was a statement made that there was a gross excess of maritime personnel, and I think that's a statement which perhaps can be defended if one looks at the number of active jobs in the United States Merchant Marine versus the number of total graduates of the merchant marine academies around the country. And we have a dilemma here in that from a point of view of national defense, we have a shortage of trained mariners. And the military -- the Navy, the Department of Defense, that we work closely with -- are quite concerned about a severe shortage of trained mariners for the manning of our reserve fleets, which are maintained by the Maritime Administration on behalf of the Department of Defense, at a time of a military emergency when those ships would have to be broken out and manned. And so we have on the one hand the number of mariners for the active merchant marine versus those that would be required in the event of a call-up as took place in the Korean War, the Vietnam War. Hopefully, we'll never have to have it out again, but we have on the order -- well, I think the number now is 94 ships in our reserve fleets, part of which are here in Suisun Bay, part of which are in Beaumont, part of which are in the James River in Virginia. That fleet is programmed to grow from the present number of ships, 94 ships, to 142 ships in the next five years.

In addition to that, there are selective shortages even with the limited size of the present active merchant fleet of certain categories of personnel. Officers of one of the maritime unions providing engineers for those ships has indicated to me this month that they had to sail ships short because of an inability to fill licensed officer engineering spots.

In addition, going back to this report, I haven't had an opportunity to review it carefully yet, but I'm told that it deals only with large oceangoing ships, tankers, and container ships. It ignores entirely lesser vessels which also require licensed officer personnel: for instance, large fishing vessels, and that fleet has been growing rapidly in the last several years; fish processing vessels, as well as catching vessels; offshore oil supply vessels, such are used in the Gulf of Alaska; and a growing fleet of coastal tug barge units, which require licensed officer personnel.

So, as I say, I haven't had an opportunity to analyze it yet, but I understand that the base for comparison included in this report may not be complete, and may need to be amended to include a broader section of the maritime industry. I'm not sure how germane that is to your hearings here today, but when information comes out about the size of the fleet and the number of personnel necessary to man it under various circumstances, it's a very complicated subject and we hate to see something get out that isn't carefully annotated as to what it covers and what the assumptions are.

Mr. Carlton's office is in the process now, working with a consultant, of evaluating a number of studies of the size of the merchant mariner contingent available.
in this country at times of an emergency. That will be completed sometime this summer. We hope that that will look at all of the and there have been many studies, some made by the military, some made by the Maritime Administration, some made by the maritime unions, as to what the real numbers are and how they best can be used under various circumstances.

CHAIRMAN MARKS: Thank you very much. Do you have something to add to that?

MR. BRUCE CARLTON(?): No, sir, I don't.

CHAIRMAN MARKS: Let me ask you a couple of questions.

MR. CREELMAN: Surely.

CHAIRMAN MARKS: Are the kind of problems that have emerged at CMA a problem at other state maritime academies?

MR. CREELMAN: None that have reached our level. They haven't resulted in the kind of reports that we've had from congressional representatives, from constituents. We've had no comparable series of complaints; not to say that there haven't been disciplinary problems in I'm sure all of the schools involved, but they seem somehow to have been dealt with before they've reached this level of prominence.

CHAIRMAN MARKS: Do you believe that all the allegations of sexual harassment, which are in this report, have been taken care of by the California Maritime Academy? Have they been taken care of?

MR. CREELMAN: I think the California Maritime Academy is well aware now of the severity of the problem. This is not something to be trivialized and swept under the rug, this is something to be dealt with. And I'm optimistic that that's what's going to happen.

CHAIRMAN MARKS: But it hasn't happened yet?

MR. CREELMAN: But I will reserve judgment ...

CHAIRMAN MARKS: It hasn't happened yet.

MR. CREELMAN: I have no way of knowing whether it's happened yet. I think -- we were assured that it had had happened already. When the 1989 cruise was over, we were assured that there had been no problems. But then we had a new rash of reports, and so I reserve judgment. I'm hopeful that the new awareness of the Board and of the faculty and the administration will result in the kind of reformation of the disciplinary system at the school that's clearly necessary.

I am very hopeful, and I say we are supportive of the school basically. We're promoters of maritime commerce. The school in the past has -- and presumably continuing to do a good job in training capable officers for the United States Merchant Marine, broadly speaking, both ashore and afloat. And we'd like to see that continue.

But, we've made it clear in our testimony to the Board of Governors that our patience is definitely limited and the sanctions that we have available to us as a
federal assistant in the school -- primary assist being the loan, if you will, of the training ship and its maintenance, plus the student incentive payments and the $100,000 stipend -- are discretionary on our part. And while we can't lightly decide to withhold, to use our discretion and withhold that aid, this situation has ripen to the point where it has achieved national prominence. The House Merchant Marine and Fisheries Committee, and the Senate Subcommittee on Merchant Marine -- Subcommittee of the Commerce Committee on Merchant Marine are very much aware of this situation and interested in it. And they've asked us why we haven't used our discretion in withholding from CMA these discretionary aids. We've indicated that we think the situation is in hand. We are hopeful that it will -- we will see correction of past inadequacies. But if that isn't the case, if we don't get results, we're going to have to look very hard at exercising discretion and exercising the sanctions we have available to us. But we see this primarily as a California problem.

CHAIRMAN MARKS: Thank you. Are there any questions? Assemblywoman Speier.

ASSEMBLYWOMAN SPEIER: Thank you, Mr. Chairman. I think your remarks were very clear and direct. You have made a number of statements in your report about the failing leadership at the Academy; and I can't recall the words in particular, but you spoke about the leadership from the top down. It wasn't just focused at one post, but the leadership throughout the Academy.

Is it your recommendation that certain individuals be removed from their posts?

MR. CREELMAN: We don't think it's appropriate for the Maritime Administration to get into the personnel situation at any of the state schools. We think that that's a matter for state discretion. As we've heard today, we're talking about state civil servants in some part who are tenured. We don't have the authority to hire and fire personnel at the state maritime academies, and we think it would be inappropriate for us to recommend to those of you who do have authority in this area as to what action to take on personnel.

ASSEMBLYWOMAN SPEIER: Thank you.

CHAIRMAN MARKS: Thank you very much. We appreciate your being here. Thank you.

MR. CREELMAN: Thank you.

_______: The Legislative Analyst's Office would like to respond to Mr. Creelman's comments.

CHAIRMAN MARKS: All right. Chuck Lieberman.

DR. LIEBERMAN: I won't get into detail. Chuck Lieberman, Legislative Analyst Office. I won't get into detail, but we did take into account both of the concerns that the gentleman had; and I think if he'll read the report, he'll recognize that. I just don't want to leave the impression that in our report we did not take into account both the question about the federal government's reserve fleet and the question about
the data on demand understating -- being understated due to the size of ship. We felt that that was compensated for by supply being similarly understated for some other factors. Again, I don't want to get into that, but I think if he read the report he'll see what I'm talking about.

MR. CREELMAN: Great. We'll read the report and get back to you.

CHAIRMAN MARKS: All right. Thank you. Thank you very much.

Are there certain CMA students here? Would you come forward, please? If you can be as brief as possible, we appreciate your being here. We're going to ask you to be as brief as possible and still present your point of view. Won't you sit down please?

MR. PAUL LYNN: Thank you, Senator. My name is Paul Lynn and I'm a student at the California Maritime Academy. We are here today, my friends and fellow students, as representatives of the student body, in hopes that you have questions for us, and we have answers for you. We hope that after we leave you have a better idea of the Academy, and a clear picture can be drawn.

CHAIRMAN MARKS: Were any of you on these cruises?

MR. LYNN: Yes.

CHAIRMAN MARKS: Which ones were?

MR. LYNN: James Stafford, Steve Durshell(sp?), Samantha Lee all took part in the cruises and the equator crossings.

We feel that the media and the Legislature has not given us a fair evaluation. The environment at the Academy is not one of rampant sexual harassment and discrimination. Those are not common issues. We agree that there have been problems. We are not perfect students. We do not claim to be. The administration and the students have taken action to solve some of the problems. These actions began long before the media, the MARAD report, and legislators got personally involved with the Academy. They are in our rules and regulations. There is more intense action taking place now because of this. We have been educated more: mandatory meetings on sexual harassment and discrimination. I offer an invitation much as the Chairman of the Board of Governors did to come to the Academy. I hope you would take advantage of it. I don't know if you will.

CHAIRMAN MARKS: I've been there.

MR. LYNN: Thank you.

CHAIRMAN MARKS: I'll come back.

MR. LYNN: And talk with the students, eat lunch with us, walk around the campus with us, go to class with us, come see how we work on the ship. I think you will find upon looking at CMA and comparing it to other schools in California that you'll like what you see.

We'll entertain any questions. James Stafford would like to also make a statement.
CHAIRMAN MARKS: Okay. You can use the mike, sir, when you're sitting down.

MR. JAMES STAFFORD: All right, thank you. The California Maritime Academy is the only school on the West Coast for the training of professional mariners. The type of license that we receive upon graduation. While at CMA, students travel over 45,000 miles at sea. They visit over 25 countries. All the while they encounter the perils of being a mariner and the challenges of assuming leadership positions. This is the mission of the Academy, as we see it, and students of the Maritime Academy by far and above believe that that mission is being fulfilled. We are the products of this mission; we are the professional mariners of the future; we believe in this mission; and we support it.

The events of the equator crossing. I believe there's many obscure events which you know more of the details about than any of us, so I can't address any specific events. However, I would like to say that by far the majority of the students at the Academy found that -- find that ceremony to be a very celebrated event. If you watch that film with a little different eye, you'll notice a lot of smiles, a lot of laughter, a lot of screaming and yelling. Maybe it's not appropriate. I can accept that; so can the rest of the students. Maybe it should be discontinued. Indeed, it has been; it's over with.

However, for it to be the battle cry for the closing of the Academy, or for statements that money is being ill-spent, I disagree with that. The Academy has a very good mission and I think it fulfills that mission well. As a mariner, I'm much more prepared to meet the challenges of going to sea than I was when I came to this school, and I'm also a much better person for having been gone to the Academy.

Thank you. That's all I have to say.

CHAIRMAN MARKS: Are there any questions? Thank you very much. We appreciate your being here.

Well, you can speak right -- use that microphone right in front of you.

MS. KAREN STOKEY: I'm here to assist in any questions you may have.

CHAIRMAN MARKS: Were you on the cruise?

MS. STOKEY: No, I will unfortunately not be able to attend the cruise, or take part in the equator ceremony. My first cruise is next Friday we begin.

CHAIRMAN MARKS: Thank you. Go ahead.

MS. ELIZABETH McNEE: My name is Elizabeth McNeely and I'm a midshipman at the Academy. I'm very proud to be a student at the Academy. I'm very proud of the school. And I'm proud of my shipmates who are with me here today because, as James said, I believe the mission of the school is a good one, and it's sound.

I understand the concern about how women are treated at the school, and that the lawmakers in California want to make sure that we are treated well. Well, I can speak
lawmakers in California want to make sure that we are treated well. Well, I can speak for myself and say that I've never been harassed or discriminated against at school. I would also like to say that closure of the Academy would be just about the greatest disservice that this state could do to women and minorities. Where else could we receive the training, both technically and in managerial skills, that will allow us to enter into a male-dominated industry as managers? I know of no other institution of higher learning in the State of California that will allow us to make this sort of move and to advance in the maritime industry. And it's more than just getting a license and going to sea. It's also working in the support industries in California. It's working with shipping companies, and import/export firms, and energy plants.

We're a vital part of the State of California. And California is going to be playing a bigger part in the Pacific Rim in the next two decades, and California Maritime Academy is an important part of that role. I think closure of the Academy would be one of the worst mistakes that this state could make as far as institutions of higher learning.

And I hope that you would ask us some questions while we're here to find out what life is like for us at the Academy because we spend 24 hours a day there, living at school, taking classes there, and participating in work on board the ship. Now that we're here, I would appreciate if you would ask us any questions to find out what our lives are like there.

CHAIRMAN MARKS: Thank you very much.

SENATOR KEENE: I'd like to ask ...

CHAIRMAN MARKS: Senator Keene has a question.

SENATOR KEENE: What's your life like now? (laughter)

I've been to the Academy. I spoke at one of the commencement exercises there. I represent the district in which the Academy -- along with Assemblyman Hannigan -- the district that houses the Academy. You've given all the reasons why the Academy should be supported and continued. And you say you're proud of your shipmates. But what's your reaction to those shipmates who participated in the incidents that were described?

MS. McNEE: I'm not fully aware of the incidents that were described. I understand a very different perspective of the equator crossing ceremony than is brought up in the press and that's brought out to the public.

SENATOR KEENE: So as far as you know of the incidents that were described did not happen?

MS. McNEE: Well, what incidents in particular are you talking about?

SENATOR KEENE: Well, the sausage incident, for example, that was widely exploited by the media.

MS. McNEE: Well, I understand that happened a couple of years ago. But ...
MR. STAFFORD: However, if can I interject at this point. At no time in either of the ceremonies, even the '88 ceremony -- I was a (polli)wog on that one -- no one was ever forced to do anything. And no one was ever beaten or abused in a way that I took a step back and said that's wrong. I had fun...

SENATOR KEENE: I think that really misses the point.

MR. STAFFORD: I had fun. I think most of the people did.

SENATOR KEENE: I think that really misses the point. I think if you have behavior that even is voluntary in public that constitutes an embarrassment to certain people in a society that no longer tolerates that kind of embarrassment, that you've got a situation that has to be dealt with. And the failure to deal with it is what places this Academy, this fine Academy in jeopardy today.

MR. STAFFORD: Well, now we're getting into an issue where none of us are qualified to speak because we're not policy makers. I don't agree with leaving an environment -- for keeping an environment that does the kind of things that you're asserting. No, I don't support that. What we are saying is, we have not experienced that. Now,...

SENATOR KEENE: You didn't see it. Wait a minute. You didn't see it? Or it was voluntary? You said it was voluntary. That means you must have seen it.

MR. STAFFORD: No, I didn't mean it that way. What I meant was, it was not a ceremony that was forced on people. It was a voluntary celebration. You see, the way it comes across, if you sit back and listen to what's said, it sounds like we're forced and pushed into an oppressive environment.

SENATOR KEENE: No, I want to hear what you have to say. If in fact it happened, and it happened on a voluntary basis, even on a voluntary basis, it seems to me that that misses the point because it shouldn't have happened.

MR. STAFFORD: You're right. I already -- I said you're right. But I'm not...

SENATOR KEENE: Did you say it happened?

MR. STAFFORD: No, I didn't.

SENATOR KEENE: Okay.

MR. STAFFORD: But you're correct. We should not have those kinds of environments. And indeed, when I'm an officer on a ship, I will not tolerate those kinds of environments. However, do you take an isolated incident, and it -- well, now I'm speaking beyond my means -- but it seems we take a -- that this discussion is taking a few isolated incidents and has indicted the entire education at the Academy. And here I'm standing here telling you that I'm a better mariner and a better person for having been there, and I think every one of these people would testify to the same thing.

SENATOR KEENE: Did you read the MARAD report?

MR. STAFFORD: No, sir. And I'm not qualified to speak to it.
SENATOR KEENE: Okay, here you are.

MR. STAFFORD: Well, even to give it to me to read, I don't believe I'm -- I'm not trying to speak to these issues, I'm not trying to say that I want to tolerate them. What I'm trying to say is, we believe in the Academy and good things happen there.

SENATOR KEENE: So we should overlook the bad things there?

MR. STAFFORD: No, I didn't say that. I'm just trying to balance ... (cross talking)

SENATOR KEENE: Well, what does it mean to say that good things happen?

MR. STAFFORD: Why else were we brought here? Why else do you want to hear our testimony?

SENATOR KEENE: You're here to testify to the good things and you have no knowledge or concern about the ... (cross talking)

MR. STAFFORD: I didn't say lack of concerns, sir.

SENATOR KEENE: Tell me what you are saying.

MR. STAFFORD: I have lack of knowledge, sir.

SENATOR KEENE: You were on the cruise. All of the behavior was voluntary, and you didn't see anything on board?

MR. STAFFORD: Yes, sir. That's correct.

SENATOR KEENE: Thank you.

MR. STAFFORD: I was on the cruise, I partook in the ceremony. It was very positive. It ended with a _____ contest. I had a lot of fun. I look back on it with fond memories. I regret that if somebody -- I regret if someone had a poor experience. And I don't support an environment that would cause someone to be harassed or discriminated against. I'm not that kind of person.

CHAIRMAN MARKS: Assemblyman Hannigan.

ASSEMBLYMAN HANNIGAN: Thank you, Mr. Chairman. I don't have a question to ask, but I want to take this opportunity to convey to you some information and opinion that I think you should be aware of. In addition to the Academy being in the Assembly district that I represent, I also, along with Ms. Speier and others, serve on a subcommittee in the Assembly that deals with the Academy's budget. And I've served on that committee for a number of years now, and prior to serving on it, and during an earlier administration at the Academy, I was annually contacted about either the budget in general or aspects of the budget that needed some legislative attention. And during those times, individual members of the subcommittee, particularly the chairman, Mr. Campbell, used to ask me -- not about the incidents we're speaking of now -- but about affirmative action, you know, opportunities both at the staff level and student level at the Academy. And frankly, you know, the record wasn't great, but we seemed to get by with representing that efforts were being made to improve it.
Recently, the newspaper reporting of events on the cruise brought to our attention the incidents that we are currently trying to deal with. We didn't go down looking for bad things that happened at the Academy. I've visited the Academy on a number of occasions. And I appreciate your extending an invitation. I suspect in the course of activities I will be visiting again. Frankly, a visit to the Academy is not going to reveal to me or any member of the Legislature anything bad. I mean, you're going to be on your best behavior, it's human nature. You know, it's nice of you to ask. I'd have to go in there disguised as a 49-year-old student undercover to find out what really goes on at the Academy, is my impression. So, I don't think the visit or a tour of the Academy is of any particular value either to you or to us.

But what concerns me, and I guess it came about before lunch, the gentleman who made a statement for the alumni association, about, you know, we know better than the general public, and certainly legislators, what these situations are because we deal with them in the real world every day. It's well and good, but if we extend that, it tells us that we know some things because of what we deal with in the real world every day better than they. And I think it's a debate that has no conclusion except to tell me that there's some generational gap on attitudes, at least on the part of some, in leadership positions at the Academy with those that are in society.

I mean, I sat through the tape. I guess it was the '88 cruise, I don't recall. I guess there was an '89 tape that I didn't see. But it reminded me of a fraternity or sorority initiation week kinds of activities. And I guess some of us have been through those at an earlier time, but in this day and age, that is changing. It's changing in fraternities. I've recently read in newspapers a number of nationwide fraternal organizations on college campuses who have given up, done away with the pledging and have gone to even such sophisticated activities as quizzes on what goes on on a college campus, which I think is somewhat of a giant leap. But things have changed.

What we're interested in is not closing an academy, although I'll speak to that in a minute, we're interested in correcting those attitudes or those practices that we think are out of sink with today. And that's what I think you're interested in doing. But you're here just to tell us how great things are down there. We're hearing from other sources other information. We have an obligation to respond to that. It's not that we're out on a witch hunt, it's that we have this responsibility and we're going to carry it out.

MR. STAFFORD: And I believe you will. It will be ...

ASSEMBLYMAN HANNIGAN: Let me tell you that I'm sort of flabbergasted. I didn't realize that the legislative audit, Leg Analyst, was going to conclude what they have concluded. I mean, I think where before today, the debate about whether or not an academy continues was nonexistent, it will now exist. There will be debate on whether
or not this state should continue to fund that activity. And it's not just these events, it's not just the Leg Analyst's report. It probably includes the fact that we are getting in a tighter and tighter fiscal condition in this state. But it certainly gives license to many to open and continue that debate.

And so I think what you need to do is reflect upon that situation down there. In fact, read -- you're as capable of understanding that report as any of us are, frankly. It's not all that complicated. There are things that are supposed to have been done and haven't been done; there's recommendations on corrective actions, and whether or not it's been done, I don't know. There's representations that it will occur and I hope it does, for the sake of you and those who will follow you at the Academy.

But I think this is rapidly becoming a much more serious situation than I would have expected some time ago.

MR. STAFFORD: Which is regrettable.

ASSEMBLYMAN HANNIGAN: It is. But it's fact.

MR. STAFFORD: Yeah, yeah.

MR. LYNN: Senator Keene, that MARAD report was made available to all the students to read. And I can't speak for anybody else at the table, but I have read that, if you have questions regarding that report.

SENATOR KEENE: My questions, I guess, go to your level of concern. My impression is that your level of concern about this situation is inadequate. I believe that you will find that the people who want to defend this Academy and keep it going and prevent the budget item from becoming a big blank spot in next year's budget, which is possible with this Legislative Analyst's report, that's going to require a great deal more than what you're suggesting here: coming to tour the Academy; and looking at the good points; and we never saw the bad points; and I'm not familiar with the incidents. My god, they've been reported in every newspaper, every daily newspaper. Obviously, the newspapers want to stress the bad points. You want to stress the good points. But your not being familiar with the allegations that have been charged? (cross talking) And having been on the cruise, and not having witnessed any of it, and not having seen it, not having any knowledge of it, everything's okay. Well, in the minds of many people -- and we have to respond ultimately to the public -- in the minds of many people, everything is not okay at the Academy. And we're going to be hard pressed to defend that Academy unless you provide us with the information, the peer pressure on your shipmates and colleagues, and on the administration of the Academy itself.

MR. LYNN: We're not here to say that everything is okay at the Academy. You asked one person who did go on the equator crossing and he said he did not see that. I went on it, did take part in it, and some of those acts did occur. I said that things are not perfect at the Academy. We have accepted that poor judgments have been made.
SENATOR KEENE: Not perfect is an understatement, if any of the alleged incidents are as reported.

MR. LYNN: You yourself said that the media looks for the theater, not a fair trial.

SENATOR KEENE: That's right.

MR. LYNN: Okay?

SENATOR KEENE: That's right.

MR. LYNN: We have looked at what has happened, not just on the ship and the equator crossing, because I think that's being dwelled on, but in general at the Academy and the classrooms all across the board. Actions have been taken. We have been educated, not just by the instructors and by the administration, but by people from higher up. Not just the leaders of the court, everybody, and the faculty, and the staff.

SENATOR KEENE: And sanctions have been imposed that you're aware of?

MR. LYNN: Yes, they have. People have been taken to our DRIC, which is a disciplinary counsel. They have been charged. Actions have been taken.

SENATOR KEENE: What kinds of actions?

MR. LYNN: Actions up to dismissal; suspension. Just because a person is put down for a sexual harassment case, doesn't mean that the next person for a sexual harassment case should receive the exact same punishment; each case is individual. And you understand that.

(No overlap from Side G to Side H - some testimony lost)

... brought to this. People have been made aware of it.

MR. STAFFORD: And Paul and I ... Excuse me, Paul .... (cross talking)

SENATOR KEENE: Anybody been dismissed?

MR. LYNN: Yes, I believe there has been. I don't know names, but I ...

MR. STAFFORD: Paul and I, as a core commander and core executive officer, have taken some of what we've learned at our training seminars -- we've had, I think, at least three of them -- where we've learned how to deal with harassment, and we've already applied it in some examples of where women have approached us, said they're in a harassing situation. We've counseled them under the direction of Mr. Kilpatrick, and I believe the Captain. And we're already trying to implement some of the solutions that we've been trained about.

SENATOR KEENE: Well, I suggest one of the things that you could do is familiarize yourself with the allegations and what the investigation report shows, so that you can respond to questions about how we can best deal with those things. I think that would be extremely helpful.

MR. LYNN: I think many of us have read that report. And I think actions are being
taken. And I think they are ...

SENATOR KEENE: You know, that's what's been said for a number of years now, actions are being taken, actions are being taken, actions are being taken ...

MR. LYNN: I just ...

SENATOR KEENE: And the thing continues, the thing continues. Now that the threat is a real threat -- hopefully the Academy is not lost -- but now that the threat is a real, real threat, and it isn't coming from here, it isn't coming from this area. It's coming from other quarters in the Legislature. But now that the threat is real, we have a far harder time with the credibility of those statements that things are being taken care of, things are being handled and everything's getting better.

MR. LYNN: Well, I think you'll find that they are being taken care of, and the Academy will improve and live on and continue to produce qualified mariners for many years to come.

CHAIRMAN MARKS: Thank you very much. We appreciate your all being here. Thank you.

Admiral Ekelund, Admiral Ekelund.

ADMIRAL JOHN J. EKELUND: Mr. Chairman, I've asked some of the other managers to come up with me in the event that questions that they can more correctly and in detail answer than I can. I can direct them to them.

CHAIRMAN MARKS: Would you identify yourselves?

ADMIRAL EKELUND: I'm Admiral Ekelund and I'm the President of the California Maritime Academy. I have been the President for the past six years. You have in front of you a statement -- or I gather it's being passed out now. I have no intention of reading that statement. You can do that at your leisure at a later time. I would call your attention to the Appendix A, which lists a set of actions taken by the California Maritime Academy. Those -- some of those earlier ones were taken in 1988, and an additional set were taken in 1989. I would like -- and I will address each of those in detail, if you care to hear more about that.

I'd like to return to some of the questions that were asked of other speakers who were not able or deferred answers to me to respond. In the case of visits by the Assembly and Senators, that's true. Senator Seymour visited our Academy on the instant of the original complaint filed by parents of a student who were his constituents. He spent an entire day there. We had a very useful dialogue. It was absolutely clear to me and to others in management who spent the day with him that he was serious about pursuing that case; wanted certain data and we provided that data, and we continue to provide that data to him. That was a point where we -- that and before that were periods where we started providing the Board with sufficient data so that they could understand what was happening in the discipline system and get a feel for the
environment. We have since then been providing data on complaints and the results of those complaints or that is how those are handled -- how those were decided.

The issue of, has there been discipline? Yes, there has. Indeed, it was a great disappointment to us that the cruise of '89 produced a repeat of unsuitable events, not the same, but similar unacceptable events in 1989, despite the sensitization, the education, the prohibitions that were established against unauthorized student activities on the cruise, and the sessions which the Captain had with his staff, and the policies which he set which would have hopefully precluded repeats.

The '89 cruise events, those unacceptable events, and I will stipulate that those events -- part of those events in the video that were shown, are not acceptable. Not acceptable behavior at all. The events that they happened in were not condoned events. They were prohibited events. They happened in a portion of the ship before the scheduled event, a portion of the ship which was well removed from the bridge and deck house area, about the length of a football field away, at many decks below, behind interferences which -- and those events, despite their noise, were not visible to and aware of the staff at the time. Thus it was that we were unaware of what happened until we became aware of the video done by a student. That occurred after the newspaper articles in the summer of '89. So there was -- when the reporting of the delays before we did anything, they're true. There was a delay before we took any action because there was a delay before we were aware of the transgressions. Those who performed those unacceptable behaviors were brought through the discipline process and due process: one was dismissed and the other was placed on probation with a heavy dose of demerits and extra duty.

The Academy has a record from before the '88 cruise of assigning punishments for violations that relate to discrimination and harassment. A midshipman was in an earlier -- I think the '87 cruise -- was dismissed for sexually harassing an employee on the training ship. We have had occasions, even on the campus, where harassing behavior has been reported and it has been dealt with through due process in the discipline system. There was not a pattern of excessive -- there was nothing to lead me to believe that there was anything wrong with the cruise conduct. A prior chairman of the board had made two full cruises, the entire cruise, and reported nothing but supportive and positive statements about the cooperation, the quality of training, the degree -- the better degree to which the engineers and the deck departments worked together. The quality of training essentially was what he dealt with. But never an indication of some harassing or discriminating treatment or unacceptable behavior on the cruise. There was, therefore, no history that would lead me to believe that there was something radically wrong with what was happening on the ship.

(In)'88, there was an event. It was reported by the family in a letter to me. The
Captain had dealt with that student, at sea, on this issue, over a period of time trying to resolve and solve the problems which she was having with her peers; and we were obviously not successful in satisfying that student. I will admit that we -- that I misunderstood the original complaint. It was not specific, and it dealt about the theft of a hat more than it dealt about the more serious issues of the degrading treatment which she received. There is no question but what happened to her was unacceptable.

The Maritime Administration asked for information. They specifically asked that we provide them "a list of sexual harassment or discrimination complaints you have received over the past five years." They then asked additionally what actions we took on each of those cases, and whether we thought that those actions were effective. The implication to me was that they wanted to know what we knew and what we did about it, and that's what I told them. The fact that I didn't convey every element in the Sims' report was because much of that was not known to us, was not reported to us, and indeed much of it was not even a sexual harassment or discrimination issue. The complaint or the criticism that I failed to tell them, the information which they sought, is regrettable. I am sorry that they felt that way. I tried to convey to them what they asked for. And in the letter of August of '88, I acknowledged that there was improper activity in the '88 cruise, and identified the actions which we were taking. Some of those actions are listed in Appendix A -- or all of those actions are listed in Appendix A, plus many more actions.

What we have in the tape, returning to the '89 issue, in the first event is an improper -- I shouldn't say an improper -- but an authorized event and that was terminated upon the -- with the arrival of the Commandant on the scene, and he says, "This is not a condoned event. Stop it, secure." And that's what happened. Then there follows some other recordings of events which were also unauthorized and unobserved. And then later, the events which were the condoned, the scheduled part. And that's where you see the staff involved and the presence of the staff who are observing for safety and to ensure that no violations of the policies with respect to that event occur. The scheduled, the condoned event, and the supervised event did not have violations of sexual harassment and discrimination. They had a lot of noise, they had what the Maritime Administration would convey as unsafe activities, that is fire hoses and wet decks.

And bearing that in mind, and also the fact that the norms of our society have changed, there is no place for this ceremony any longer; there is no benefit derived from it; it is not an educationally valuable thing; and it has been abolished. It was abolished in July of this year by our decision. The Board didn't specifically tell me abolish it, because I told the Board that I was abolishing it, and they apparently
found no reason to tell me specifically to abolish that ceremony.

There is a -- I don't have the specific data with me, and I would like to provide it for the record about those periods of time during, following let's say May -- or -- yeah, May of 1988, where the Board was acquainted with various other complaints or conditions in the Board of Governors meeting process. And I'd also like to provide excerpts from the Board minutes where the Board made various decisions with respect to the issues and the problems as I presented to them.

The Board was asked to review several of the dismissal sentences as a result of discrimination or harassment that were meted out because the due process allows the Board in cases of dismissal, and the student desires to appeal, the Board is that body which hears the appeal. And they did hear appeals on several of those dismissals, and upheld the decision to dismiss the student.

I tried to pick up some of those questions which were left unanswered and I ...

SENATOR SEYMOUR: Mr. Chairman.

CHAIRMAN MARKS: Senator Seymour.

SENATOR SEYMOUR: Yes, Admiral Ekelund, while we're on that point -- if I -- don't mind a minor interruption -- while you're on the point of reporting to the Board relative to dismissal actions. Have you in your previous testimony reported to this committee what is your reporting policy to the Board on all types of sexual harassment, discrimination allegations, not dismissals, but total allegations, etc.? Could you tell us what your policy has been?

ADMIRAL EKELUND: We have summarized for the Board the results of all actions which were pursued. Those which were not pursued were found in early investigation to not justify the charge.

SENATOR SEYMOUR: Okay, so it ...

ADMIRAL EKELUND: In recent, in more recent time we have presented to the Board all allegations and the status, that is, whether they were dismissed, charge dropped, ...

SENATOR SEYMOUR: How long have you been doing the latter?

ADMIRAL EKELUND: That, for the last two Board meetings ...

SENATOR SEYMOUR: So that is how long?

ADMIRAL EKELUND: So it's ...

SENATOR SEYMOUR: How long have you been doing it?

ADMIRAL EKELUND: I guess the first report was prepared for them in October of '89, and the second one ...

SENATOR SEYMOUR: Since October of last year.

ADMIRAL EKELUND: It could have been for the Board report just before that, but ...

SENATOR SEYMOUR: September or October?

ADMIRAL EKELUND: ... it's that time frame.
SENATOR SEYMOUR: Thank you.

ADMIRAL EKELUND: Now, the basic actions which we took were primarily to function as an educational institution, and try to educate -- try to change behavior through instruction; try to change attitudes through education. And of course the discipline system was in place, to be applied in those cases where people can't get it right the first time, then the discipline system is available.

SENATOR KEENE: On that point, Mr. Chairman.

CHAIRMAN MARKS: Senator Keene.

SENATOR KEENE: Yes, Admiral Ekelund. You, in talking about the 1989 cruise, state "We obtained a copy -- meaning of the video -- "reviewed it, found unacceptable behavior, and punished the violators." How many violations or violators were there?

ADMIRAL EKELUND: There were two. Two midshipmen were the prime violators -- were involved in the sexual harassment violations. One could build a case for many, many minor violations, but they didn't have to do with discrimination or harassment.

SENATOR KEENE: And what kinds of behavior were involved in the two cases?

ADMIRAL EKELUND: In the '89 cruise, these were the events depicted that showed -- were two midshipmen were indoctrinating a group of Third Class who were the polliwogs, the newly crossing people, and they were lightly tapped with these fire hose pieces. That was specifically prohibited by ...

SENATOR KEENE: Right, that doesn't sound like sexual harassment.

ADMIRAL EKELUND: No, no, I'm just saying those kinds of things which they did. They called upon a student to bite the end of the hose and depicted the hose as his penis.

SENATOR KEENE: Right.

ADMIRAL EKELUND: And the -- at one point, a student jumped behind another student and simulated an act of sodomy for 2-seconds or 3-seconds. And I found those to be absolutely unacceptable.

SENATOR KEENE: So, that having been determined ...

ADMIRAL EKELUND: Those students were ...

SENATOR KEENE: ... the behavior having been verified in a manner that is very difficult to refute on videotape, I guess is how it was done. What sanctions were imposed on the two?

ADMIRAL EKELUND: One student was dismissed, and the other student was placed on long-term probation with demerits and extra duty.

SENATOR KEENE: Long-term probation. Did the fire hose incident involve a woman?

ADMIRAL EKELUND: No.

SENATOR KEENE: Did the sodomy simulation involve a woman? So, this was male, male, male, male.
ADMIRAL EKELUND: That's correct. But there was a woman student in the line. And as a matter of fact, the student who was dismissed conveyed his clear understanding of the sexual harassment instructions because his words to her were -- I can't quote them, but they referred to sexual harassment, so that he was going to avoid sexual harassment by not having anything to do with her. You know, it was a clear indication that he had heard our message.

SENATOR KEENE: And the first student was out the door. Was thrown out of the Academy.

ADMIRAL EKELUND: That's right.

SENATOR KEENE: Thank you.

SENATOR SEYMOUR: Mr. Chairman. Mr. Chairman.

CHAIRMAN MARKS: Senator Seymour.

SENATOR SEYMOUR: Follow up to that, Admiral Ekelund. These instances you're referring to, they were the cruise of 1989?

ADMIRAL EKELUND: Yes.

SENATOR SEYMOUR: On that cruise, did you have a woman officer responsible and overseeing the -- all activities aboard that cruise?

ADMIRAL EKELUND: We had a woman of supervisory level, but not a licensed officer, who was on that cruise and functioned as a supervisor, advisor, counselor. And she...

SENATOR SEYMOUR: Did she observe this conduct?

ADMIRAL EKELUND: No, no, there was no staff who observed this conduct.

SENATOR SEYMOUR: There was no staff present during the ceremony.

ADMIRAL EKELUND: The ceremony -- this was a ceremony which preceded by some unknown time the authorized equator crossing ceremony and was unknown to -- was prohibited, specifically prohibited and was unknown to us until we saw the student's videotape.

SENATOR SEYMOUR: So it took place aboard ship...

ADMIRAL EKELUND: Yes.

SENATOR SEYMOUR: ... and nobody in a supervisory or staff position were aware that it took place.

ADMIRAL EKELUND: That's right.

SENATOR SEYMOUR: The reason I ask those questions, Admiral Ekelund, is you and I know, you and I sat down in late summer of 1988, and you told me then of the policies that you were going to implement...

ADMIRAL EKELUND: Right.

SENATOR SEYMOUR: ... the safeguards you were going to take to ensure that the type of thing that happened on the cruise of '88 would never happen again. And it did.

ADMIRAL EKELUND: We executed -- we did do all of those things which I told you we
would do. We did create a new set of policies. We did very severely constrain the
equator crossing ceremony to a very small finite period of time: it had a definite
start, it had a definite finish. The Captain promulgated standing orders on how that
would be conducted. He provided supervision for the ceremony. He explicitly
prohibited other ceremonies. They were not condoned, not acceptable. And yes, they
did take place ...

SENATOR SEYMOUR: Let me ask this question ...

ADMIRAL EKELUND: They took place approximately 300 feet from the normal bridge
area, several decks away, behind deck house obstructions. And they were just not --
the ship's officers were not aware of it.

SENATOR SEYMOUR: And I'm sure if I were to ask, well, how did that happen? you're
going to say, or I would expect you to say or respond by saying we can't be everywhere
every time, every minute. And that's probably true. But it leads me to a question.
I've heard testimony, and your testimony included, Admiral, that there isn't going to
be any more equator crossing ceremonies. How do we know?

ADMIRAL EKELUND: That's correct.

ADMIRAL EKELUND: How do we know?

ADMIRAL EKELUND: Well, Senator, there is a ...

SENATOR SEYMOUR: You mean there won't be any more sanctioned ...

ADMIRAL EKELUND: ... there is a serious problem here in that for me to guarantee,
I need to have a cooperative student body, I need to have a cooperative group of ship's
officers, and I need an educated student body who understands what the standards are.
Our emphasis in '88 was in trying to achieve that. That really was -- and I don't say
that that's all we did, but I'm saying that ...

SENATOR SEYMOUR: Well, it's an impressive list.

ADMIRAL EKELUND: ... we wanted to work on that idea. And the more I talked with
the upper class -- but it is obvious to them and it's obvious to me that there has to
be a cooperative effort in this regard. No campus can guarantee that at every place on
this campus, at all times, there will be no untoward events.

SENATOR SEYMOUR: I'm not talking about the campus, I'm talking about the ship.

ADMIRAL EKELUND: And you can't on the ship either, Senator. And I hate to be that
absolute about it, ...

SENATOR SEYMOUR: Okay. That's all right.

ADMIRAL EKELUND: ... but I'm afraid that that's the facts of life.

SENATOR SEYMOUR: I'd rather have it honest that you cannot guarantee us that this
won't happen aboard ship again, as opposed to being dishonest and saying we guarantee
that you won't see another or hear about another equator crossing ceremony, because
that's not true.
ADMIRAL EKELUND: Well, I am -- I am very optimistic and I believe that with the cooperation of the -- of the education of the midshipmen and the cooperation of the midshipmen, we won't have that. To guarantee it is something that I'm not ready to do. I cannot guarantee, just as you as a legislative body can make rules, but you cannot guarantee they're going to be followed.

SENATOR SEYMOUR: I find it particularly disconcerting, having spent the time that I did with you and the Captain and others in late summer of 1988, to learn in this hearing that until October of this year, fully 13-14 months later, did you start providing the Board of Governors with a full list of not only violations, but potential -- at least alleged violations. That kind of ...

ADMIRAL EKELUND: Well, what I ...

SENATOR SEYMOUR: ... information ...

ADMIRAL EKELUND: ... yeah, what I need to provide for you, and I said I would for the record, is where and at what times I did provide data to the Board about these allegations or -- because it was -- a lot of that was done before that time. It was in that time frame that I gave them all of the information about the discipline system. But I have been providing the Board with information on issues, personnel problems, discipline issues over a period of time, and I'd too give you that for the record. I don't happen to have it with me.

CHAIRMAN MARKS: Mr. Hannigan.

ASSEMBLYMAN HANNIGAN: Mr. Chairman. Admiral, the MARAD report. I guess this is the response, the Maritime Academy response that went to ... (background talking) ... well, one of the -- and I'm not sure you respond here to it, but I'll explore it with you. One of the things that seems to be apparent, that there may in fact be a clear set of rules and regulations down there now. But the application of them is, in my mind, questionable. And in the MARAD report, on Page 37, it talks about "impaired discipline" and there's a comment that in dealing with proposed disciplinary actions against students for serious offenses such as sexual harassment, Admiral Ekelund has a history of significantly reducing the penalties recommended by DRIC. Now, did you respond to that comment in the MARAD? And if you did, tell me where it is. And if you didn't, maybe you'd like to respond to that comment as I've read it.

ADMIRAL EKELUND: We did not respond to the entire MARAD report item by item.

ASSEMBLYMAN HANNIGAN: Okay.

ADMIRAL EKELUND: I did respond to the Board in identifying to them what the Disciplinary Review and Investigating Committee recommendation was, and in every case what my decision was. And if there was ... (cross talking)

ASSEMBLYMAN HANNIGAN: Is this an accurate statement?

ADMIRAL EKELUND: Well, I ...
SENATOR SEYMOUR: That's pretty damning. I mean it says that in -- you have a history of significantly reducing the penalties recommended. I mean that's ... 

ADmiral ekelund: Uh ... 

ASSEMBLYMAN HANNIGAN: I mean, it doesn't say occasionally. It says sort of this is routine. 

ADmiral ekelund: It -- well, how many times does it say? 

ASSEMBLYMAN HANNIGAN: I don't -- it doesn't. 

ADmiral ekelund: That's right, it doesn't. 

ASSEMBLYMAN HANNIGAN: But it says ... 

ADmiral ekelund: There are ... 

ASSEMBLYMAN HANNIGAN: ... significantly reducing. 

ADmiral ekelund: ... there are cases where I did take a different position than the Disciplinary Review and Investigating Committee recommendation, and I did that for what I thought were good and valid reasons. Although I can't cite them all, I can give you a for instance. 

ASSEMBLYMAN HANNIGAN: Well, I -- does it ... 

ADmiral ekelund: You don't ... 

ASSEMBLYMAN HANNIGAN: No, I don't want to ... 

ADmiral ekelund: You don't want to get into the details. 

ASSEMBLYMAN HANNIGAN: Not at this point. 

ADmiral ekelund: Then I ... (cross talking) 

ASSEMBLYMAN HANNIGAN: I don't want to take the committee's time or your time. (cross talking) The question I would have, though, is ... 

ADmiral ekelund: My answer to you is that there are occasions when I did that. I did it for good and sufficient reasons. I have told the Board about those reasons. And ... 

ASSEMBLYMAN HANNIGAN: Are there enough occasions that would give the signal to either the staff or parts of the student body or both that these rules and regulations that are so clearly defined in this day at the Academy aren't to be taken as seriously as you might expect them to be taken? 

ADmiral ekelund: Well, I would like to preface the reply to that with the fact that the way the disciplinary regulations are layed out for the midshipmen, the offenses are listed by category or degree of severity. In the front part are those that are violations which are subject to dismissal. And that's as close as -- that's as narrow as this gets in terms of what's the appropriate punishment. It says, if you do this one, it could be subject to dismissal. That does not mean that dismissal is in order in each case, it just means that the maximum sentence on that one is dismissal. The next category down are lesser, but significant, and they can get demerits in the
neighborhood of 50 demerits or so. So, we're talking about maximum punishment that's prescribed, and the Board cannot exceed those. Each case is an individual case.

ASSEMBLYMAN HANNIGAN: I agree.

ADMIRAL EKELUND: And I have adjusted from the recommendation, I have varied from the recommendations of the Disciplinary Review and Investigating Committee. Not often. And in each case I have a reason for that. It is true that the perception of some -- and I've heard -- and I heard this, I understand this -- that discipline is inconsistent because two guys were charged with the same offense and one was, let's say, suspended, and the other was given demerits and extra duty. And on the face of it, that doesn't sound right. But the fact is, the cases were different, and therefore the punishments were different.

And I just submit that I spent about 40 years making judgments about punishments for offenses. And the first effort for those was to be just and make sure that the punishment match the offense. And I do that very, very carefully.

CHAIRMAN MARKS: Senator Keene.

SENATOR KEENE: Maybe this had been answered earlier. The equator crossing ceremony was permitted on the 1989 cruise. In your response to Senator Seymour you told him you could not guarantee that the kinds of incidents that happened in 1988 would not reoccur. Then why allow the ceremony in 1989? Isn't that an invitation for repetition if those activities are beyond your control?

ADMIRAL EKELUND: You ... 

SENATOR KEENE: Let me just finish my reading to you. The MARAD, Mr. Creelman's statement, the same sort of abuse -- "the single most disturbing discovery we made was that the same sort of abusive and harassing behavior that had been reported to us regarding the 1988 training cruise was in large part repeated on the 1989 cruise. ... we had been assured that the 1989 cruise had gone perfectly with no problem." ... the "videotape ... demonstrated Academy personnel passively observing while their students engaged in dangerous, violent and abusive behavior. ... filled with instances of sexual harassment and discrimination, condoned by the Academy but unsupervised, and abusive mentally and physically." This is not the press speaking, this is MARAD speaking.

ADMIRAL EKELUND: Yes, MARAD is wrong in the latter part.

SENATOR KEENE: Okay. And "astonishingly, disciplinary charges were not brought against any students until six months after this ceremony, and a week after our investigators had been at the school." And MARAD says that its "report details results of extensive interviews with students, faculty and staff, and reviews of various documents requested of the Academy. Numerous other instances of sexual harassment both on and off the training ship were reported. ... including instances of unauthorized
men entering women-only areas, unfair work assignments, poor communications and fondling of food service workers." You know, it is one thing to say that people, the press, some women legislators, MARAD are making a mountain out of a molehill. We don't have the luxury of dealing with the molehills. We get the mountains over here. And that's where we are right now.

ADIMRAL EKELUND: Okay. Can I respond to any part of that?

SENATOR KEENE: Yeah. With the Chairman's permission, any or all of it.

ADIMRAL EKELUND: I don't have that report in front of me, but the case -- just take a few pieces of that. The case of women entering -- I mean, men entering the women's berthing area. We had several instances of that, that were reported. In the one instance, the person involved was an employee and the employee was dismissed. It was a temporary employee, and that employee was dismissed from the Academy. It was on the ship that it happened.

SENATOR KEENE: Is that the same dismissal that you talked about earlier? Or a different dismissal?

ADIMRAL EKELUND: No, no, no. This is the one that deals with man entering women's berthing area.

SENATOR KEENE: Okay. This is a different individual than the other one that was dismissed with reference to the fire hose?

ADIMRAL EKELUND: The other one was in the 1989 unauthorized event with the sexually -- the activities with sexual connotations, and he was dismissed; that's a student. This other one is an employee.

SENATOR KEENE: An employee.

ADIMRAL EKELUND: A different thing. There is at least another incident of a male entering the berthing area and being reported; that being reported. The report was badly mishandled, as a matter of fact; and it turns out that that was not a proper report. The report was made by a woman student, a resident of the berthing area who was fed up with what she viewed as a regular visiting and put someone on report. The report was an erroneous report. It ultimately got disposed of as an erroneous report. It was an innocent event really. It was a proper -- a person on a proper duty assignment, waking the watch that was oncoming. It was a male; he was in the women's berthing area, but he was supposed to be there doing what he was doing. Misunderstood by the person who filed the report. And mishandled by our commandant's department who didn't properly investigate it.

But, the facts are that we took action on those events. They still appear as allegations. But they don't say that anything was done about those things; they don't say that punished meted out when they were identified.

SENATOR KEENE: What about the fondling of the food service workers?
ADMIRAL EKELUND: That was -- a student did that; a student did that, was identified by the employee; the student was ultimately dismissed. As a matter of fact, the ship changed its course and made a special port call to unload that student. And he was dismissed. He appealed his dismissal to the Board of Governors who supported that dismissal.

Now, the Maritime Administration report makes -- made no effort to identify the details after the allegation. It just merely lists the allegations. And then says that there's a breakdown in discipline. We have not ignored reported cases of sexual harassment and discrimination. We have taken a lot of appropriate action. They have included dismissals. We have, I think, done those things which will best serve the Academy.

SENATOR KEENE: How many dismissals have there been?
ADMIRAL EKELUND: I cannot answer that with any certainty.
SENATOR KEENE: Can you give me a ballpark ...?
ADMIRAL EKELUND: I would say five, six; five or six.
SENATOR KEENE: Five or six students of the Maritime Academy have been dismissed.
ADMIRAL EKELUND: Over a number of years.
SENATOR KEENE: Between what period and what period, roughly?
ADMIRAL EKELUND: Well, let's see. We had from 1987 until now, we've had three -- three who were dismissed for physically abusing a non-Academy person; we have the student dismissed for '87 cruise; we have two dismissal on the '89 cruise. Six in '87 to '89, three years.
SENATOR KEENE: None of them have been reinstated in the Academy?
ADMIRAL EKELUND: None of them.
SENATOR KEENE: Thank you.

SENATOR SEYMOUR: I just have one, I think, last question, Admiral Ekelund, to try to get to the bottom line. In the MARAD report dated October 25, 1989, on Page 3 of the report, they cite recommendations -- quite a number of recommendations, carried over on Pages 4 and 5. My question is this -- and I'm sure you've reviewed these recommendations?
ADMIRAL EKELUND: Yes, sir.

SENATOR SEYMOUR: Are there any of those recommendations that you or the Board of Governors disagree with relative to their implementation in a fashion as quickly as possible?
ADMIRAL EKELUND: We have every one of those recommendations in -- either completed, done now -- and in that sense, I want to make sure you understand that these are, by the very nature of this subject and our rolling population, they're never completed. Many of these actions are going to be ongoing for a long, long time.
SENATOR SEYMOUR: Well, education programs are implemented. Once they're implemented, do you expect they'll remain?

ADMIRAL EKELUND: They're going to roll, and they have to roll to pick up the new freshmen that come in, and train a new leadership group of the first class, etc.

The one that is not implemented yet is the one which establishes and makes it crystal clear that evaluations of all the employees will incorporate an evaluation of the degree to which they are proactive in creating the right environment with respect to discrimination and harassment at the Academy, and the degree to which they use the discipline system that they are in that chain in the case of violations. We have yet to get that written because it does involve the evaluation process. We will have that in place before the cruise sails.

SENATOR SEYMOUR: And when will that be?

ADMIRAL EKELUND: The 12th of this month.

SENATOR SEYMOUR: Before the 12th of January?

ADMIRAL EKELUND: The 12th of this month, is 8 days from now they sail.

I don't have it in front of me. There is one other aspect of it that I want to make sure ... (Looking for handout)

I've got it. It has to do with -- going back to the question that was raised earlier about the history of my changing the punishment assignments. And MARAD said to create ...

SENATOR SEYMOUR: Objective standards.

ADMIRAL EKELUND: Yes. Create a set of objective standards that would be applied, that I would have to apply or be constrained by, before I could adjust the recommendation of the DRIC. The Board's position in their response, and I think you'll see that it wasn't a clear, yes, we'll do that. It was that doing that, first of all, that a set of objective standards, that judges have not been able to find and develop those to -- that are greatly useful. And I shouldn't be telling you about your profession. But that the problem of setting a clear set of objective standards that would handle every eventuality are just very difficult to do. More difficult than the Board felt that it was able to do. And further, the effect of removing me from the decision process, in effect, was not eliminated for the students, another review opportunity. And that was not to their minds the right thing to do; so their response to MARAD was to respond differently than just saying, yes, we're going to that.

SENATOR SEYMOUR: What was the response? I don't need it technically, but if they said, well, we'll carry the spirit of it, but we'll do it differently, what does differently mean?

ADMIRAL EKELUND: It argued the fact that each case was unique and that they were not able to develop a set of objective standards, and that the result was that the
Board would review every single ...

ASSEMBLYMAN HANNIGAN: It didn't say that, though.

ADIMIRAL EKELUND: I'm sorry?

ASSEMBLYMAN HANNIGAN: I don't think it said that. It said -- with respect to the Board, your view -- it said, "The Board of Governors should periodically review discipline at the Academy to ensure uniformity of enforcement and equity of punishment."

ADIMIRAL EKELUND: Yeah, I understand that.

ASSEMBLYMAN HANNIGAN: It didn't say every single ...

ADIMIRAL EKELUND: No. But in the case -- in the case -- I'm getting to the point of where I was making a judgment different from the Board recommendation.

ASSEMBLYMAN HANNIGAN: Right. That DRIC ...

ADIMIRAL EKELUND: DRIC. That the Board would review, at every Board meeting, any case where I had done that, to determine why I had done it, and whether that made sense to them.

ASSEMBLYMAN HANNIGAN: Where is that in the MARAD recommendations?

ADIMIRAL EKELUND: It is not the MARAD recommendations. It's in the Board's response to the MARAD. The question asked to me, "Was there anything that we were not implementing?" And I wanted to be crystal clear that I didn't say, yes, when there was this one variant on how the Board responded to the recommendations. And so ...

ASSEMBLYMAN HANNIGAN: Well, you know, I don't want to belabor it, but it just seems -- I don't understand fully what the Board's function is. I assumed that the Board are appointees of the administration; they are a combination of industry representatives and public community representatives, or non-industry, in some sort of balance there; and their biggest responsibility is to appoint you or your successors, and then from time to time review the policy of the Academy and see that it's carried out. They're not there every day to look over your shoulder, to be ...

ADIMIRAL EKELUND: That's right.

ASSEMBLYMAN HANNIGAN: ... you know, doing all this sort of thing.

ADIMIRAL EKELUND: That's right.

ASSEMBLYMAN HANNIGAN: So they depend -- certainly, the Board as a whole, maybe the Chairman spends more time with you -- but the Board as a whole depend on your input for the most part, and come what? once a month or every couple of months for a Board meeting? I don't know how often they meet. And that's their role. If the MARAD report said -- and here's what I read it to say, "enhance the discipline system, CMA was strict to adherence to the guidelines set forth in CMA's regulations governing the core of midshipmen including guidelines regarding sexual harassment. The guidelines should be revised to include objective standards on the appropriate circumstances under
which the President can mitigate penalties recommended by the DRIC." And then it goes on about the Board's periodic review. I would assume that means that you and your staff would do all of this for their approval in passing on to MARAD. The Board itself wouldn't be involved. It sounds to me like the Board said, we can't be looking at each and every case that comes before you and second guess your decision. It seems to me the Board missed the point or it was misrepresented to them or something other than ...

ADMIRAL EKELUND: No, the Board didn't say that, Mr. Hannigan.

ASSEMBLYMAN HANNIGAN: No? Well, that's what you just said.

ADMIRAL EKELUND: No, I didn't say that, I'm sorry.

ASSEMBLYMAN HANNIGAN: I'm sorry, I didn't hear it.

ADMIRAL EKELUND: What I said was that the Board agreed, in executing that part of the recommendation, that they would review each case where I made a decision which was different from the recommendation of the DRIC, so they could ensure that there was a justification for that variation. That's the function that they will perform. It is not to sit on my shoulder and decide with me or for me or anything. But in a case they do not agree with what I did, they can certainly take corrective action on that.

ASSEMBLYMAN HANNIGAN: If -- uh, it's not worth it. Thank you.

ADMIRAL EKELUND: I guess I missed -- I guess I missed the problem.

ASSEMBLYMAN HANNIGAN: I think your response is fine. It just says to me that wasn't what they asked the Board to do. In fact, I think the Board was asked to periodically review the disciplinary decisions. That would include the ones that you agree to. Not all of them.

ADMIRAL EKELUND: They are doing that also, and they have agreed to do that.

ASSEMBLYMAN HANNIGAN: No. What you just said that what they were going to do is look at every one where you differed from the DRIC. Is that what you told me? And I don't read that as what they were -- it was recommended they do.

Again, it's not the big issue. It's not worth wasting a lot of your time over. It just seems to me to be symptomatic of some miscommunication.

ADMIRAL EKELUND: Okay.

SENATOR KEENE: Do you want to conclude your testimony, Admiral?

ADMIRAL EKELUND: I will be writing a follow-up which will provide for the record some of those items which have been asked for, or at least that I implied that I would provide. And I'll be happy to respond to any other concerns of the committee.

There are a couple of items left untouched that were touched on. Assemblywoman Speier was concerned about a midshipman who had been dismissed and had appealed and was apparently still at the Academy. That's not the case. The midshipman has been dismissed and is not at the Academy.

There were -- I have not had a chance to, in any depth at all, look at the
Legislative Analyst's report, so I have no comment to make, although I don't believe that it is particularly pertinent to what we're talking about today.

There was an allusion in the testimony to women -- and again, it's part of the discriminatory practice -- women were required to clean the men's berthing areas, and then they had to clean their own berthing areas, and that that indeed did happen on occasion. That has been designed out of the program as a result of our becoming aware of that issue.

Women's representation is -- within the student body -- is going up each year. We are pleased that we are successful in that regard. It's been pointed out to you that we have among maritime academies, including the federal academy, by far the largest minority and women's representation, minorities of all categories and women. We do pursue that with diligence. We are not satisfied with the results we're getting. We do believe that we can do better. We'll work at that. But I must say I am pleased that our percentages are better than any other of our competitors in the kind of business that we're in. We're talking about 13-14 percent women in our school, and 3 percent women in the industry. This is a big uphill fight in improving the women's representation within the industry, and particularly licensed officers.

SENATOR SEYMOUR: On that point, Admiral Ekelund, have you already cited for the committee record what efforts you have extended in order to -- adding one female member to the permanent faculty?

ADMIRAL EKELUND: We were successful in adding a woman to our marine management staff. She has a Master's degree in marine management; has a chief mate's license; has sailed as a second mate; has extensive sailing experience; and is just exactly the kind of a faculty person we were looking for.

SENATOR SEYMOUR: When did you successfully ...?

ADMIRAL EKELUND: She started teaching in August.

SENATOR SEYMOUR: August of this year?

ADMIRAL EKELUND: August of 1989, and...

SENATOR SEYMOUR: Prior to August of 1989 -- let me go to the bottom line. When I met with you back in the summer of '88, you were going to do that.

ADMIRAL EKELUND: We were going to try to do that.

SENATOR SEYMOUR: Yeah. You accomplished it a year later.

ADMIRAL EKELUND: Right.

SENATOR SEYMOUR: And therefore, my question is, what were your specific efforts toward accomplishing that? I'm trying to find out whether or not you just...

ADMIRAL EKELUND: Yes. Well, we canvassed -- we wrote a letter to every woman graduate of the maritime...

SENATOR SEYMOUR: When did this recruitment start?

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ADMIRAL EKELUND: Well, I really probably should defer ...

SENATOR SEYMOUR: That's fine.

ADMIRAL EKELUND: ... the comments on the recruiting process ...

SENATOR SEYMOUR: I'm trying to determine just how quickly your promises are followed through with.

ADMIRAL EKELUND: ... to the Dean. Yeah.

MR. JACK WITTRY: Senator Seymour, we had been interested in ...

SENATOR KEENE: I'm sorry ...

SENATOR SEYMOUR: I just would like to answer my questions. Question one, when did you begin the recruitment?

SENATOR KEENE: Would you identify yourself for the record?

MR. WITTRY: I'm Jack Wittry, the Academic Dean at the Academy. The first time after that date that you cite that there was a faculty opening, a position available, we sought very actively a woman faculty member.

SENATOR SEYMOUR: Do you know the approximate date, sir? A month ...?

MR. WITTRY: Well, we're talking about August -- probably winter of '88, spring of '89. Somewhere in that time frame ...

SENATOR SEYMOUR: Okay.

MR. WITTRY: ... we would have been recruiting for a position, for that open position.

SENATOR SEYMOUR: And you did.

MR. WITTRY: And we were very actively seeking a woman. And we did find one, interestingly, not as a direct result of our survey. This young lady applied approximately two days before she got our letter in the mail. She had applied previously, but prior to that -- and her first application she had not yet achieved a Master's degree. She was the first woman that we are aware of who had both a Master's degree and a license. So to my knowledge over the years, she was the first person who was eligible for such a position. And we have hired her and she is working out very well.

SENATOR SEYMOUR: But that recruitment occurred in October of '88?

MR. WITTRY: Well, I can't cite the exact date.

SENATOR SEYMOUR: Well, that's okay. Winter of '88.

MR. WITTRY: Whenever the position opened ...

SENATOR SEYMOUR: Yet you didn't bring her on board until '89?

MR. WITTRY: Well, she was not available until then. The position was not available open, and she was not available until that time. She had just come out of school. She came to us, essentially, directly from her Master's program at Maritime Academy.
SENATOR SEYMOUR: Okay, so you started a recruitment in fall of '88, and you completed the recruitment with a hiring in August of '89.

MR. WITTRY: We selected her sometime in the spring or summer time frame of 1989. We selected her and then her job began in the fall of '89.

ADMIRAL EKELUND: She started in August of '89.

MR. WITTRY: August of '89.

ADMIRAL EKELUND: A second woman faculty member will be starting in January of -- just started, with this semester in the General Studies Department.

SENATOR SEYMOUR: The female that you hired, is she going to be on this cruise?

MR. WITTRY: Yes.

ADMIRAL EKELUND: Yes.

SENATOR SEYMOUR: The next cruise, I mean.

ADMIRAL EKELUND: Right.

SENATOR KEENE: Admiral, are there any pending charges of sexual harassment against students at the Academy?

ADMIRAL EKELUND: No, none.

SENATOR KEENE: So the decks have been cleared as far as determining the guilt of the individuals involved, and there are no cases pending currently?

ADMIRAL EKELUND: That's right. We do have some cases of harassment that do not involve sexual harassment of any kind. But we do have a couple of those cases to resolve.

SENATOR KEENE: What kinds of harassments are involved, alleged?

ADMIRAL EKELUND: Well, the allegations are of pushing and shoving, pushing and shoving.

SENATOR KEENE: More than one case?

ADMIRAL EKELUND: It's one incident, but involves several students, and it's going to the Disciplinary Review and Investigating Committee ...

SENATOR KEENE: How many students are alleged to have been doing the pushing and shoving? Is it intimidation, is that what the issue is?

ADMIRAL EKELUND: No, it was the improper reaction to a student who was not conforming to a particular rule, and upper class decided to remove him from where he was not supposed to be. And that was an improper act. In the process of doing that, they physically removed him.

SENATOR KEENE: Are those individuals who removed this other individual going to be -- are they scheduled to be on the cruise next week?

ADMIRAL EKELUND: They are -- all of them.

MR. WITTRY: Yes, but they go to the DRIC tomorrow.

ADMIRAL EKELUND: Tomorrow.
SENATOR KEENE: I'm sorry. They go to the ...?

ADMIRAL EKELUND: They go to the Disciplinary Review tomorrow. And yes, they are scheduled to go on the cruise.

SENATOR KEENE: Will the issue be resolved before the cruise takes place?

ADMIRAL EKELUND: Yes, it will be.

SENATOR KEENE: And if it's resolved against them ...

MR. WITTRY: They don't go on the cruise.

SENATOR KEENE: ... no cruise.

ADMIRAL EKELUND: Well, if the decision is suspension, they wouldn't go on the cruise. If it was dismissal, they wouldn't go on the cruise. If it was some other punishment, then they probably would go on the cruise, and pay that punishment.

SENATOR KEENE: Okay. May we hear from the others at the table who wish to testify. Want to identify yourselves for the record.

CAPTAIN JOHN KEEVER: Sure. I'm Captain Keever. I'm Captain of the training ship. I'm about to take the ship on the 1990 cruise. I guess all I would have to say is I think I recognize the severity of the situation and the necessity to get everybody, staff and students, involved in seeing that no incident that even has any leaning toward harassment or discrimination or any other kind of behavior that's unacceptable socially occurs. And I'm putting in motion what I hope will teach the people what is acceptable behavior, and surrounding such things as the equator crossing, the necessary police state activities to try to ensure that students don't spontaneously generate activities that might be unacceptable.

SENATOR KEENE: Captain Keever, maybe you can clear something up for me. I believe you wrote me a letter telling me that a faculty member who is alleged to have been involved with a student had been disciplined. And later we learn that that faculty member had not been disciplined, but in fact, had been promoted. Is that correct? Are you aware of that situation?

CAPTAIN KEEVER: I may have, but I don't recall doing that.
SENATOR KEENE: Okay. I'll try to find it now.

CAPTAIN KEEVER: Yeah, I may have written to you. I may have sent you a copy of a letter that I wrote to MARAD?

SENATOR KEENE: Could have been a copy.

CAPTAIN KEEVER: Also indicating that after the last cruise, I had the chief engineer replaced for not having his people support the control of the equator crossing, and asked the Admiral to remove the commandant for making poor judgments. Is that the letter?

SENATOR KEENE: That could be it. I'll try to find it.

Let's see, anything further of these witnesses? Thank you.

Theodore Donnell.

MR. THEODORE DONNELL: Hello, I'm Ted Donnell.

SENATOR KEENE: Excuse me for just a moment. (Long pause) Beg your pardon, Mr. Donnell.

MR. DONNELL: Okay. I'm a student of the California Maritime Academy, and I've been attending for almost five years. I have played four years of soccer, and I've played one year of volleyball. Today I'd like to discuss the events that happened during and after my duty on the ship while in Australia during the winter semester of 1989.

The day before my watch I was invited to a ranch in outback of Australia. I decided not to show up for my watch and accepted the invitation. When I returned back to the city, I went to eat, and then went to a casino where I met up with some fellow students. We were talking when Mr. Ferguson came in and talked to us for a little while, and then moved to talk to some other people. Mr. Ferguson is a pipe fitter on the ship. His job is to help us learn what type of piping should be done for different applications. After a while Mr. Ferguson came back and made two comments that embarrassed me and made the Caucasian girls feel offended. First he said, "I did not know that you girls dated aborigines." Then after saying some other things he said, "Did you know that my ancestors owned his ancestors."

SENATOR KEENE: What was the second comment, that ...?

MR. DONNELL: "Did you know that my ancestors owned his ancestors?" He did not say much after that and left. At the table hearing this was Thurman Adams, Perry Crowl and Shawn Dean, fellow students. I returned to the ship about 3-to-4 a.m. After we had sailed for two days, I was given notice for dismissal for not showing up to watch. I was requested to have my representative speak for me at the hearing before the final sentence. A representative was to act like a lawyer in the hearing. He was to make sure I did not incriminate myself. All the people I had talked to told me that Mr. Ferguson was the best person to ask for help. I did not like this because I felt
he had underlining prejudice feelings. The comments that he said in Australia were fresh on my mind and made me feel uncomfortable since I believed I disturbed him. Hoping that he would remember and might apologize for what he said, I asked him to help me. He did not apologize, but he did represent me at the hearing. I do not believe he gave a wholehearted effort at the hearing since he commented on my ______ demerits for my first two years from having missing classes and parking where I shouldn't park. I was given -- my punishment was a semester suspension, and non-credit for cruise. I was given three days to come up with an appeal. I did not ______ position for my appeal and I received no assistance from Mr. Ferguson. Before I left the ship, I did go to the Captain and apologize for my lack of mature decision.

I agree wholeheartedly that I should have been punished, but I thought the punishment was harsh compared to the punishment others received. One of the incidents involved a student that had assaulted a civilian -- one of the incidents involved a student that had assaulted a civilian in another country; he was allowed to finish his cruise, was not allowed to leave the ship for the rest of the cruise. A different student was in charge of the ship; when the student left and went to a bar, the student returned intoxicated, the student went on cruise and received credit, was not allowed to leave the ship for the whole cruise. When I was dismissed from the cruise and sent home, I had finished 80 percent of my cruise. I let my parents know that I thought the punishment was harsh. My parents wrote two letters about whether the punishment given was consistent with previous discipline. ______ by first making sure that I told my parents ______ story. And then they wrote and _____ letter for Mr. Ferguson's actions. They never gave any information on past incidents and how they were handled.

In conclusion, I want to say that I do not have any bad feelings for the faculty or administrators. I like the school, I like the people that run the school. The type of education they give is something that is special and should not be taken away or hindered unduly. I care about the school and what was going to be happening to it. I was greeted well by staff and faculty upon my return to school in September. The Captain called me in about three weeks into the semester to see how everything was going and if I was having problems. I believe that the staff cares about the students that attend, and the teachers know their students by name. Everybody can make a mistake. I did when I did not return back to the ship. However, I believe the school made a mistake by ______ disciplinary actions.

I'd also like to comment that I think the Captain, since not knowing the situation I was involved, because I didn't tell him, was making right decisions. If he would have known, I think he would have at least talked to me and let me feel better about the situation or done another hearing.

Beyond that I'll answer any questions you might have.
ASSEMBLYMAN HANNIGAN: I think there's some material we've received of the incident that you were involved. Let me just briefly run through it, so I'm sure that it's the same one. You were in a lounge or bar with two females. I guess I had the impression they were Australians...

MR. DONNELL: Right.

ASSEMBLYMAN HANNIGAN: ... and not fellow shipmates of yours.

MR. DONNELL: Correct.

ASSEMBLYMAN HANNIGAN: Is that correct?

MR. DONNELL: That's correct.

ASSEMBLYMAN HANNIGAN: Oh, I thought you just said they were shipmates of yours.

MR. DONNELL: There were fellow shipmates with me, but...

ASSEMBLYMAN HANNIGAN: Not the two women.

MR. DONNELL: ... not the two women, no.

ASSEMBLYMAN HANNIGAN: So, there were shipmates and the two women and you in this bar...

MR. DONNELL: Right.

ASSEMBLYMAN HANNIGAN: ... this Mr. Ferguson came in.

MR. DONNELL: Right.

ASSEMBLYMAN HANNIGAN: Is Mr. Ferguson -- is he still employed in the Academy? Is that him back there?

MR. DONNELL: Yes, sir. He testified.

ASSEMBLYMAN HANNIGAN: Earlier? Okay.

I listened intently to your comments because there's some recollection from reading the material. But I'm not sure as they conclude what message you're giving us. Are you saying that you think there was some discrimination in the way Mr. Ferguson dealt with encountering you in that lounge and subsequently the way he represented you in this hearing. But that in time, you acknowledged you errored and should be punished. You may have some problem with the degree of punishment, but that's behind you now and you're back in the Academy and everything is hunky-dory. Is that what we're...

MR. DONNELL: Not exactly.

ASSEMBLYMAN HANNIGAN: Okay, then correct it.

MR. DONNELL: I believe that do to the way I was handled within the hearing with Mr. Ferguson that my punishment wasn't just. And I think it should be changed. It doesn't mean I can't live with what I got now, but...

ASSEMBLYMAN HANNIGAN: Did the procedure allow for you to appeal the way that hearing was handled and the way Mr. Ferguson conducted himself in the hearing? Is there some...

MR. DONNELL: Yes, sir.
ASSEMBLYMAN HANNIGAN: Did you appeal to the Admiral at that point?

MR. DONNELL: I approached the Admiral after I'd gotten home. You know ...

ASSEMBLYMAN HANNIGAN: The letter.

MR. DONNELL: ... the letter.

ASSEMBLYMAN HANNIGAN: Two responses ________, I see.

MR. DONNELL: Two responses, right. Exactly.

ASSEMBLYMAN HANNIGAN: Go ahead.

SENATOR KEENE: Mr. Ferguson, why don't you come up here and tell us what you said and why you said it.

MR. BOB FERGUSON: I'm Bob Ferguson. I'm an instructor. The night before we left Sydney, Australia, I indeed encountered midshipman Donnell. We had known for some days that he was missing, the administration and all of us as would be normal were very concerned. When I first saw him, I said, you really should go back to the ship right now because you're in trouble. I would have told any student that and, in fact, in the past, have. In talking to the group -- and we're talking about 2-3:00 in the morning, the day before we leave, another 14 days at sea or whatever -- it was inferred by the young ladies Mr. Donnell was with that the Academy essentially was being typically American and discriminating because Mr. Donnell was black. I concurred that indeed America has been known and is still probably a racist society -- and while I can't give you the exact words, there were three other midshipmen, as Mr. Donnell said, present, and you can talk to them and get their view of it -- and indeed Australia had racial problems also. And that, I'm sure, that if the girls were dating the local aborigines, where they have a serious problem, they would have problems. It was a conversation.

In reference to me representing him improperly ...

SENATOR KEENE: Well, let's just talk about the remarks first and clean that up.

MR. FERGUSON: There was no intent of racism. There was no racism. It was a conversation about the history of America, about Australia, about race relations. And in talking to the other three students after this came about, they took it that way.

ASSEMBLYMAN HANNIGAN: Of course. Were they black?

MR. FERGUSON: One of them was.

ASSEMBLYMAN HANNIGAN: Did you make the statement to this gentleman that -- or to the women that you didn't know they dated aborigines, not alluding ...?

MR. FERGUSON: No, I did not. I said to them ...

ASSEMBLYMAN HANNIGAN: And did you make the statement ...?

MR. FERGUSON: ... that if you date aborigines in this country, there's probably some discrimination also.

ASSEMBLYMAN HANNIGAN: Did you make the statement that your ancestors owned his ancestors?
MR. FERGUSON: I said, that in the past, in the fore-distance past, indeed we had slavery in the United States as you have convicts labor in this country. And that -- I may have said something like that, but I doubt it.

ASSEMBLYMAN HANNIGAN: You said that this was at 2-or-3:00 in the morning. Had you been out on the town up to that point?

MR. FERGUSON: Yes, I had. I do not drink heavily, if that's what you're inferring.

ASSEMBLYMAN HANNIGAN: Well, no. And finally ...

MR. FERGUSON: Yes, I was tired, yes.

ASSEMBLYMAN HANNIGAN: Okay. We do things when we're tired that we wouldn't do when we're rested.

MR. FERGUSON: Right. And I acknowledge that. My main concern was ...

ASSEMBLYMAN HANNIGAN: Finally, do you see a distinction between you as a faculty member or staff and a midshipman? I mean ...

MR. FERGUSON: Certainly there's a distinction.

ASSEMBLYMAN HANNIGAN: So, how do you explain this conversation or debate about America's history in a bar at 2-or-3:00 in the morning with a midshipman when you're tired? I mean, wouldn't it have sufficed to tell him he was wrong and he should go back to the ship, and ignore the comments of either the Australian women or others who may participated in the discussion.

MR. FERGUSON: I don't think it was important. I'm off duty. I'm being talked to. I respond on my off duty hours as I do with other people in other countries. There was no intent of any sort of racism.

ASSEMBLYMAN HANNIGAN: You don't believe in the old adage that in the military that "familiarity breeds contempt?"

MR. FERGUSON: No, not in that respect. I think that's inappropriate. But I will respond to -- I need to respond to the representation issue. I was asked to represent him. Reference is made to his conduct record. Conduct record is provided by the Academy at every disciplinary board. The grade point average and the classes are provided every board. I don't ask for that, it's there, it's provided, whether I want it or not. That's a given. One thing Mr. Donnell failed to state, I wasn't his only representative. Mr. Yitter was also there. It was also recommended that he go see the Captain for an appeal. That isn't ordinarily done with a representative. He chose not to. And one thing he failed to mention also that in conversation with people, including Mr. Yitter, that he felt that he wouldn't have to make the cruise because race was a big issue and therefore he wouldn't expect the same amount of discipline. The Academy disciplines non-regardless of race.

SENATOR KEENE: Well, I just want to tell you what my reaction is. Had you said,
Yes, I said those things; maybe I didn't say them exactly as he said them; I harbored no ill intent and I wish I hadn't said them. Your attitude is quite different and it's a bit -- makes me a bit uneasy that you snatched historical references that happened to refer to a person's color at a time and situation and under circumstances with outsiders there that meant no harm and were not directed against an individual, and statements that could easily be capable of misinterpretation even if you intended nothing. I find that a little difficult. And I find the fact that you don't regret that today a little bit more difficult.

MR. FERGUSON: You're assuming that. I do regret that. Okay? You're assuming that. I do regret that. I don't think that I was out of line necessarily in normal interchange with people. I do regret that he took it that way. I regret, of course, that I said it. Okay? But, that doesn't mean that he didn't get good representation. He did not have to come to me. That is not part of my job. That is done on my own time, voluntarily.

ASSEMBLYMAN HANNIGAN: I don't think either -- we had no ...

MR. FERGUSON: Well, I felt it was inferred that that's part of my job to represent people.

ASSEMBLYMAN HANNIGAN: I'm more interested in the incident in the bar than I am in whether or not he chose you to represent ...

SENATOR KEENE: Me, too. Okay.

SENATOR KEENE: Thanks.

SENATOR KEENE: Alice Young and Debra Irwin. Why don't you tell us who is who.

MS. ALICE YOUNG: I'm Alice Young.

MS. DEBRA IRWIN: I'm Debbie Irwin.

MS. YOUNG: I'm a cook at the Academy. And when I had sexual harassment to me I went to Mr. Harry Brown, who was our administrator at the time. I was told it was not specific enough. But Mr. Brown started a lot of stuff, and he's no longer at the school. And things are a lot better and it's a good place to work.

SENATOR KEENE: You went to Mr. Brown. Why? What was his role or relationship?

MS. YOUNG: He was, I guess, over the galley personnel. But Vivian ...

MS. IRWIN: He was called an administrator. Administrator office.

SENATOR KEENE: Is the suggestion that he allowed incidents like that to occur?

MS. YOUNG: Well, I don't think that he allowed them. It's just that ...

MS. IRWIN: He didn't want to hear about them.

MS. YOUNG: ... he didn't want to hear about it and he ...

SENATOR KEENE: That sounds like "allowed" to me.

MS. YOUNG: Well, he didn't want any kind of bad reputation to get out, or anything, like the Admiral didn't know, the Captain didn't know. And I've since --
went to the Captain about two months, and told him a few things that went on. He had no idea. And now I can go to the Captain any time I want without fear of being intimidated or of reprisal. And Mr. Harry Brown is no longer there.

SENATOR KEENE: And you were what? touched or pinched or something.

MS. YOUNG: Yes.

ASSEMBLYMAN HANNIGAN: Did Mr. Harry Brown retire, resign, fired?

MS. YOUNG: I don't know where he went. I think he retired.

ASSEMBLYMAN HANNIGAN: Got a gold watch and went out the front gate.

SENATOR KEENE: Ms. Irwin, do you have anything you'd like to add?

MS. IRWIN: Well, yes, I'd like to say that I don't feel that the Admiral or the Captain knew any of Alice's or my situation because when I went in '83 with the allegations that I was being sexually harassed, by a Mr. John Lewis. We wrote up the report; my supervisor, Mr. Henderson went with me and we handed all our documentation to Mr. Brown. And Mr. Brown threw it back at me and told me, I will not hear of these sexual overtones or anything; besides, this will ruin a man's career; get out of my office. So, my boss took me and Alice out. And his hands were tied because I think that Mr. Henderson was intimidated by Mr. Brown also.

MS. YOUNG: Absolutely.

MS. IRWIN: Then, Mr. Sims started investigating the Bertha McLain case and all of my things started coming out about what happened to me on cruises, and Mr. John Lewis left the Academy because I knew -- he probably thought he was going to get fired. So he left the Academy with a promotion. And I went in to Mr. Brown and told Mr. Brown that I'd drop my case because Sacramento sent Affirmative Action people down there to handle and help me with the case if I wanted to pursue it. I thought that Mr. Brown was going to be a fair man and I had talked to Mr. Brown and said, you know, I think that people here should know what they should be able to say and do; they shouldn't be able to touch people or say things, or you know, I mean, just sexual things. And Mr. Brown said, I agree. I said, you should have someone come down here and teach people what they can say and can't say. He said, Yeah, I agree. Well, I called Sacramento to the ladies Affirmative Action group and told them I didn't want to pursue my case; I'd drop it. Well, that was in '83. So, it kept going on and on and on. And Alice and I both just stood back and watched really. And you know, it ...

MS. YOUNG: This is in the galley. This is entirely different than the ship. And like I said the Captain or the Admiral were not aware because Harry Brown kept it all secret from them. And we ...

SENATOR KEENE: Did you attempt to go above or around Mr. Brown?

MS. YOUNG: Oh, no. We were scared to death of Harry Brown.

MS. IRWIN: No. Not when somebody tells you to get out of your office and don't
want to hear nothing because it's going to ruin a man's career. You know, it...

MS. YOUNG: And he told us that the incidents weren't specific enough, and we named times, dates, and touches and specific...

SENATOR KEENE: And you didn't bring it to the attention of the Admiral ...?

MS. IRWIN: No, the Captain or the Admiral didn't know. I think that Mr. Harry Brown held everything away from them. Now, that's my opinion, and I think that's Alice's opinion, too.

MS. YOUNG: Uh-huh.

MS. IRWIN: They didn't know. We didn't want to go to no one else. I mean, you know, when the Captain and Admiral walks around, you kind of have respect for them. You don't want to say, oh, can I talk to you a minute. You go through the channels. And then when you go to your first channel and they try to help channel, and you go to your next channel and they knock you down, you're not going to go to nobody else.

MS. YOUNG: Yeah. It's our boss, Lou Henderson and Mr. Brown, kind of kept it all in one section of us. But, I know the Admiral didn't know. And I know the Captain didn't know because...

SENATOR KEENE: What if it happened again?

MS. YOUNG: Well, I had papers to sue, and I dropped the suit.

SENATOR KEENE: What if you had people like that again in the galley?

MS. YOUNG: Well, I will go directly to the Captain and he will take swift action.

MS. IRWIN: Because I was with Alice and we went and talked to the Captain. And he is a very fair man. In fact, I'm the one that was molested on the ship, and the middy that attacked me, the Captain handled that very professionally. It took us a whole day to go out of our way to get this middy off the ship. And if he'd have handled it different, I probably would have sued.

SENATOR KEENE: Okay. Thank you. Frank Lee.

MR. FRANK LEE: My name is Frank Lee and I'm currently an Assistant Professor at the Maritime Academy. I'm in the deck department. And I will be attending this cruise, the 1990 cruise.

Over the last five and a half years, I have served in a number of capacities. The majority of the time I've been in student affairs. In that capacity, I was responsible for the front line staff support and enforcement of discipline, of counseling certain groups of students that I was assigned. That lasted for approximately five years, broken up with periods of time when I did participate in the '85 and 1986 cruises as a watch officer and assistant commandant. And as periods of time during two fall trimesters as an instructor in the classroom. So I've been exposed in those areas from the faculty element; and in addition to that, approximately half a year as an admissions officer recruiter for the Academy.
My background is I'm a licensed officer. I hold a second mates license. I am a graduate of another academy, Texas Maritime Academy. I have also served on their faculty as their training officer. I've served at sea for a short period of time with Chevron Shipping.

And the reason I've come here today -- I'm a licensed officer now, maybe I'll be swabbing the decks tomorrow -- but I have a difference of opinion. And it stems from my direct involvement in discipline, both as a reporter, a receipt of actions that were against the Academy regulations; and as a person who ...

SENATOR KEENE: I'm sorry, would you explain that, both as a reporter ...?

MR. LEE: Yes. I'm responsible and have been charged with the function of reporting infractions of the discipline code. And in that capacity I have been both the reporter and the recipient of illegal actions.

I have yet to hear any of our leaders or managers state today that I am George Washington, I chopped down the cherry tree, and for the good of the Academy I should resign. If they had taken direct action, way back when, this would not have grown out of proportion.

And in all do respect for the students that have come here and the pain and the courage of the employees that you've heard today, the California Maritime Academy does technically what it does very well. It trains competent officers. I've been a trainer and a recipient of training at another academy. And I've been a trainer here and I would be proud to serve with the majority of the students of this student body, the current one and the past. But there have been exceptions.

And the failure of our leaders has been to not set the proper tone. That hasn't been said here. If they had said to the student body, not only is this not tolerated, but if they had demonstrated that it would not be tolerated, both in consistency of discipline, in the promotion and selection of employees and staff, in the general atmosphere that pervaded, then I suggest that there might have been different kinds of behaviors here. And I don't want to insult the committee's intelligence, but the behavior you get is generally the behavior you reward. And the reward system at the Academy has rewarded the kind of behavior you are seeing here in this hearing, as you're reviewing here in this process.

I have made many attempts to make suggestions, and put in writing, in testimony, I've been called before the subcommittee 2; and they've all been made in the light that I truly believe that the unique educational process that these state maritime academies offer is worthwhile. And that's not really the issue here. The students here are rallying to the defense of their alma mater and to the quality of the education they're receiving. I don't think there's any doubt in my mind they are receiving that. But what we're supposed to be in the business of doing is training a whole person. We've
got to train supervisors and managers to deal with the real world that we have now and in the future. And that is a diverse, multi-cultural, multi-ethnic society.

Some people here have addressed in their testimony the issue of whether we have a need for the kind of graduate that we are graduating. Well, the percentage of our graduates that are going to sea is declining. Consequently, the percentage of the graduates that are going as managers and supervisors into a variety of industries is increasing. We're seriously lacking in addressing that issue in our training. There have been efforts to do that. But the tone has not changed, in my opinion. And what it stems from, if you look at the executive ranks, they draw primarily from ex-military people. And I've noticed a tendency in the five and a half years that I've been there for the ex-military types to be rather autocratic. There's not a lot of participative management in their decision processes. In fact, I've seen it in writing somewhere maybe to an accreditation report, to WASK or somewhere that they considered participative management as moving from the sole decision point at the Admiral's level to the executive level, the vice president level. That was their concept that they were now allowing participative management.

Many of the faculty are students that graduated from the Academy, so you get a lot of inbreeding. So the product of the Academy comes back and perpetuates itself. Unless the Board seriously looks at injecting within the management ranks those individuals that have general public college experience as administrators, they will continue to be reactive to the issues of our time rather than proactive, in my opinion.

I have witnessed personally in cases that I have handled and in other cases the definite indecisions, double standards, cronyism and nepotism in the discipline system at the Academy. And I do feel that this public scrutiny, both from this body and the press, has brought on a lot of changes. But there hasn't been any substantial fundamental difference or change in the management structure. And I personally cannot see any effective change happening unless we do that. There's been a lot of cosmetic changes. There has been some training. But training that has been said to be mandatory for all has not been attended by all. The mess deck supervisor that these two mess deck employees referred to did not attend the first sexual harassment training that we had as a group, from this consultant that was mentioned, Dr. Perlman. Neither did the former commandant and midshipman, who has also been mentioned in testimony here. I believe that I've seen a schedule where Lou Henderson is, in the future, scheduled for some half hour sessions. But clearly, this sends a message. In the first harassment tapes that the faculty and staff are required to view, these tapes were introduced by a staff member, not by one executive assistant, not by one manager. You can't set the tone that way, in my opinion, unless you've got the managers in the trenches on the front lines and in the front seats of these presentations.
Accountability of the faculty system has been addressed here. And with one exception, I heard someone say that they did discipline, a temporary faculty member on cruise, I wasn't a member of that cruise, but that was a temporary employee. To my knowledge, there has been no disciplining of regular faculty or staff members for any of the incidents reported, either in the '88 or '89 cruises. The disciplining that took place of the students was way after the statute of limitations had run out on their discovery of those charges. And I believe that it was invoked out of response to the MARAD visit and the press coverage. They were in possession of the evidence in May; they had the tape; and they didn't proceed on those charges until months later. In the rules and regulations the statute of limitations is 72 hours from the date of discovery of the offense. I believe that process, that due process has to be inviolable. We have to follow it for everyone.

Basically, I could summarize the inconsistencies in the handling, the evaluation, the promotion, and the selection of staff and faculty as not really competitive or having anything to do with merit. There's a lot of cronyism, like I said. There's a lot of "if you're on the team" sort of concept. Then a lot of your behaviors will be overlooked.

There's indecisiveness even now about discipline cases up to this very date. In the Admiral's testimony, he talked about outstanding cases. There's still outstanding cases against a student who was alleged to be abusive to a female employee. They're ongoing to this date. That case went to the DRIC over a month ago; there's still no decision, to my knowledge, as of yesterday in regards to that case. There's another case of a faculty member that allegedly had harassed a female staff member again, a security guard. And to my knowledge, there has been no official action taken in regards to that, and I don't believe the victim knows of any official action taken. So there's still indecisiveness here.

Basically, we have from management the lacking of the tone set towards a customer ethic towards students. Our only reason to be at the Academy is to serve the students, both in their education and in their development as individuals. That's our role. We're serving them, they're not serving us. And that service ethic is lacking universally. There are some key individuals who go way out of their way. Don't let me give the connotation that it's all bad. But it's certainly inconsistent and the tone is not set toward service, and definitely not towards accountability among staff and faculty.

The case they referred to about an officer on the '88 cruise who allegedly had an affair with a female student, and they're alleging that this also complicated the incidents that followed in the equator crossing, making her a special case. I had that young lady in my office counseling her. She was in tears, uncontrollably in tears, for
hours. I had their parents, her parents were in my office, asking me why their daughter had changed. What do you tell them? She had gone to her role models, the captain, to the commandant, seeking redress for these things and she came back a different person. She was one of the most outstanding females I did know. She was also responsible for a drive, a relief drive, that she organized to a South American country. When she went on cruise, because they couldn't guarantee her safety on the '88 cruise, she went on cruise with Mass Maritime. She told me later via her parents who did call me that it was like night and day on the Mass Maritime cruise. They were supportive, the rules and regulations were clearly stated and enforced. It was like night and day to her on that cruise. She felt comfortable there and consequently continued to go there rather than CMA.

I'm not blaming students for the behavior they have displayed. What I'm blaming is management's lack of control, their duty to care. That's what's lacking here. They fail to exercise their duty to care. We're talking about degrading human beings in that film. Let's get right down to the bottom line. That's degradation of another human being. That degradation was pointed out to the Master of the training ship, Captain Keever, in 1983 by one of my colleagues; in 1985, by me, prior to the '86 cruise. I told him it was degrading, it was unacceptable and we needed to change it. That was long prior to this '88 cruise incident that started all the public scrutiny.

SENATOR KEENE: I don't want you to shorten your testimony necessarily, but if you could summarize the remainder of it, we'd appreciate it, because we have a couple of other witnesses to hear from.

MR. LEE: Very well, sir. In regards to saying by Mr. Wyman that justice is to be sure and swift, I would say that we have failed to do that in many cases. Far too many students have been in our counselor offices worrying about a decision to come down on whether they should stay at the school or not stay at the school. I think that's not justifiable. Justice ought to be speedy, but it's not.

In regards to the other comments that I heard today, in regards to Mr. Keefe, he was in fact granted a letter of retention for another year, an extension of his contract and a promotion from the Admiral. It was a very nice glowing letter to Mr. Keefe. And he decided on his own accord to leave. Now I understand through a second party that he was also offered the chief mate's job on the cruise, the same cruise where these incidents in '88 alleged to occur. He turned it down.

Mr. Comstock talked about the challenge to change attitudes. We're not talking about changing attitudes. We're talking about setting the tone that creates the environment where those attitudes aren't rewarded. That's what we're really talking about. They may continue to have those attitudes, but they best not display them in that environment, in that public situation. We have a duty to do that.
In regards to comments about surplus in maritime officers, I believe that they've neglected to do an adequate study about the ages of the mariners in the merchant marine. They've neglected to say that over the last 10 years, yes, there has been a slump in the merchant marine, in deep sea employment segment. But over that 10 years where nobody was sailing, now they have a big gap in the middle where there are no middle management licensed officers to take the place of those that are retiring in increasing numbers. It's a very aged work force at this time. That needs to be taken into consideration.

In regards to statements about a faculty association. It really has been basically nonexistent. Mr. Parks, Professor Parks, has been in that capacity for 11 years. It's not an active society of any kind.

In regards to sexual harassment policy, and if the staff don't obey it, they'll be disciplined. I have not seen that to take effect yet. I don't think that message has clearly been sent.

In regards to the media looking for theater, and not a fair trial, those remarks were made by midshipman Paul Lynn. The situation is much more extensive than the students have been aware of. And I don't think they can fairly comment other than the fact that they see a threat to their institution. And let me make it clear, what we're not talking about is the institution, we're talking about leadership. The institution, its processes are not defined by who is the leader, per se by name, it's by his actions. Admiral Ekelund is not California Maritime Academy. Captain John Keever is not California Maritime Academy. No one other person or group of persons is California Maritime Academy. It's the institution made up of much greater than just any one or two or three individuals.

SENATOR KEENE: How much more time do you need?

MR. LEE: Not much, about five minutes.

SENATOR KEENE: How about two?

MR. LEE: Okay, how about two.

In regards to Mr. Ferguson's testimony here, Mr. Ferguson has been recently made the faculty contact point for discrimination harassment on the campus, special assistant to the Captain. He also gave the convocation this year at graduation. And he's coordinating Dr. Perlman's training program on the campus. I think that in all do respect this sends an inconsistent message.

In regards to the two mess deck employees' testimony in regards to the vice president of finance and administration, the administrative officer, Mr. Brown, he did retire; but his original retirement date was a year earlier; it was extended by either the Admiral or the Board, I'm not sure whom. The '83 report about Bertha McLain and these other incidents did go to the Admiral's office. So, whether they were aware or
not aware, is a matter of question.

Do you have any questions for me?

SENATOR KEENE: No. We'd like to thank you for your willingness to speak out in the very cogent testimony that you've provided. It tends to reinforce my feeling that the Academy is not being torpedoed from without, it's being scuttled from within.

MR. LEE: Well, I don't know about your comment of scuttling, Senator Keene. Maybe you could ...

SENATOR KEENE: If you have a question, I'd be happy to explain it to you.

MR. LEE: My motivations for being here, sir, hopefully ...

SENATOR KEENE: It wasn't directed at you. The scuttling comment was not directed at you. I appreciate your testimony. I'm talking about actions being taken from within. Or not being taken from within.

MR. LEE: Very well, sir.

SENATOR KEENE: It's not directed ...

ASSEMBLYMAN HANNIGAN: Let me add to that, Mr. Lee, because we met at an earlier time in my office. And frankly, at that time, I wasn't sure what your motives were. You're an employee who may have been disgruntled, etc. And after today, I know your motives and I think they're genuine and I respect your willingness to come forward and make the statements you've made. And I would welcome an opportunity to spend some time with you subsequent to this hearing.

MR. LEE: Thank you, sir.

SENATOR KEENE: Ditto. Phillip Kazanjian. I pronounced it as it's spelled, but it doesn't look quite right to me. Is it Kazanjian?

MR. PHILLIP KAZANJIAN: Yes, it is.

SENATOR KEENE: Okay.

MR. KAZANJIAN: And you pronounced it correctly. I've come here not to address the select committee on behalf of the Maritime Academy, nor on behalf of the Board of Governors. Rather I'm here in my individual capacity as a member of the Board of Governors.

Like you, I've been shocked and disheartened by the problems uncovered at the California Maritime Academy. I commend this select committee for their concern and for conducting this hearing. And I pledge my full support and cooperation.

The charges leveled against the administration and the leadership of the Academy involves serious and reprehensible conduct. And like you, I have zero tolerance for those who allow such conduct to take place.

There are at least three individuals in leadership positions at the Academy who must bear direct accountability for the current crisis at the Academy. They include: the Chairman of the Board of Governors, the President of the Academy, and the
Commanding Officer of the training ship, the Golden Bear.

As to the Chairman of the Board, I made my position clear to him in a letter of November 24, wherein I called for his resignation. The Board of Governors will consider his ouster at our forthcoming January 10 meeting.

As to the President of the Academy and the Commanding Officer of the training ship, it also appears they should be terminated. However, I am withholding final judgment on them pending a complete investigation on the role they played.

I lack confidence in these three above individuals who, in my opinion, covered up the situation at the Academy and who are now presiding over the investigation of the wrongdoing.

I am here to respectively request that the Senate retain special independent counsel and provide that individual with their full support and cooperation. We need to arm special counsel with the power to conduct a complete, indepth, thorough, and independent investigation of the many charges that have been leveled against the Academy. Further, we must require that that individual to make findings for our consideration and implementation.

My personal recommendation for special independent counsel is a highly respected past president of the State Bar of California, Mr. Terry Anderlini.

I thank you for your invitation to speak, and I'll welcome any questions you may have.

ASSEMBLYMAN HANNIGAN: Mr. Kazan - please.

MR. KAZANJIAN: Kazanjian.

ASSEMBLYMAN HANNIGAN: Kazanjian. I apologize. I made some comments earlier about what I perceive to be the Board's role in all this. So, I guess, based on your comments, I'm a bit curious. I understand you're a member of the Board. Can you briefly tell me what your background is? You're a ...

MR. KAZANJIAN: I'm a lawyer ...

ASSEMBLYMAN HANNIGAN: When were you appointed and ...?

MR. KAZANJIAN: I was appointed in 1986. I was reappointed in 1989. I'm also in the Naval Reserve. I hold the rank of Commander in the Naval Reserve and have been in for the last 20 years. And on various assignments, I've served on six different ships.

ASSEMBLYMAN HANNIGAN: Fine. Secondly, is your view shared by other members of the Board? To your knowledge?

MR. KAZANJIAN: I divide the Board into three group: one group I term the stonewallers; the second group, the reformers, which includes myself and I believe Sherwin Chan; and a third group I would term fence sitters, waiting to see which way it's going to go.

ASSEMBLYMAN HANNIGAN: Okay.
SENATOR KEENE: We will certainly take your suggestion under submission. I happen to be a Terry Anderlini fan. But as far as these suggestions that there be a special counsel, we'll certainly take that under submission. Thank you.

MR. KAZANJIAN: Thank you.

SENATOR KEENE: Mr. Chin, Sherwin Chin.

MR. SHERWIN CHAN: My name is Sherwin Chan.

SENATOR KEENE: It is Chan, okay, I have Chan written here and I thought he said Chin. Okay.

MR. CHAN: Chan, right. I'm the Vice Chairman of the CMA - Vice Chairman of the Board of Governors, CMA. The reason I came here is to -- I'm supporting Mr. Kazanjian's suggestion. I know the time is short. That's the shortest way I can express it. And I also, I think I'm one of the very few who took the Senator Marks news release very seriously two months ago at the Board meeting. And also, meanwhile, I remember the Assemblywoman Speier's representative was there. She read the letter indicating the -- you know, the question about leadership, and so on. And also as I recall, even two months from now, and if you read the Maritime Administration report, Page 37, they also refer to the efficiency in leadership. Of course, they stop short of asking for change. But to took that so seriously on the November Board meeting, I had specifically asked those leadership mentioned to express them opinion. Unfortunately, I was disappointed. And this will show in the record. So I thought, I'd like to let you know, not every Board member thinks the same way. But I'm one of the minority, you may say so far. Of course, I may not be very popular in the group anymore, but I think I owe that to the State of California. I owe that who appoint me to have this job.

Thank you very much. Is there anything I should answer?

SENATOR KEENE: Thank you for your testimony. Colonel Holmes.

COLONEL SIEBURT HOLMES: Thank you for giving me the opportunity to appear here this afternoon. My name is Sieburト Holmes, Colonel, U.S. Army (Ret.), and I'm also the Vice President of Academy Senate at Contra Costa College at the present time.

And I'm interested in higher education in a variety of ways. At the present time, my daughter is a second year student at Cal Maritime Academy. And she speaks highly favorable of the program that she's pursuing there. However, I have a concern after I read the MARAD report in respect to the 1988 cruise, where a parent presented a problem to the Academy and to Captain Keever in regard to the incident that occurred in 1988 on the cruise. And his remark was that he didn't assume any responsibility or liability in that report, if I read it correctly. And then the same thing occurred in 1989. Now, my concern is, what's going to happen in 1990? I don't think any commander can relieve himself of the responsibilities of command. I've never seen that in the Army,
and I doubt if it appears in the Navy any place. And my deep concern is, that type of leadership in command of the training ship. And I think it's a real problem, and I think that the Board of Governors should look into that very completely and take some type of corrective action so that we, the taxpayers and the parents, will have some assurance of this being a successful cruise without any incidences that have occurred in the past. Thank you.

SENATOR KEENE: Thank you very much. Any questions of the witnesses? Thank you.

Anybody else desiring to speak as a witness on this issue? Are you rising to speak? (background talking) Rising to leave? (background talking) Okay.

Thank you all very much, those of you who appeared and those of you listened to the testimony. This meeting is adjourned.
Statement of

William A. Creelman
Deputy Administrator
Maritime Administration
U.S. Department of Transportation

Before the

California Legislature Senate Select Committee
on Maritime Industry

Senator Milton Marks
Chair
Hearing on the California Maritime Academy

January 4, 1990
Mr. Chairman and members of the Committee, I am William Creelman, Deputy Administrator of the Maritime Administration. Your invitation to Captain Warren Leback, MARAD's Administrator, is appreciated; however, due to a conflict in his schedule, I am pleased to appear on his behalf.

MARAD's relationship with the California Maritime Academy extends over many decades. While the precise form of that relationship has changed over time, as the various governing laws have evolved, the core element has remained constant. The California Maritime Academy is an element of the higher education system of the State of California. However, because the Academy's curriculum has been approved by the United States Coast Guard and MARAD, and is designed to graduate licensed merchant marine officers, we are able to provide assistance to the school and its students through the provisions of Title XIII of the Merchant Marine Act of 1936, as amended.
At the present time, our assistance takes three forms: one, an annual payment of $100,000 to be used for the maintenance and support of the school; two, a limited number of Student Incentive Payments (SIP's) of $1200 annually, paid directly to students enrolled at the school; and three, the loan and maintenance of a training ship, the GOLDEN BEAR, to be used for annual training cruises. This same assistance is provided to four similar institutions located in Maine, Massachusetts, New York and Texas. The Great Lakes Maritime Academy in Michigan does not have a training ship on loan from MARAD, but does receive financial assistance.

The Maritime Administration also runs the United States Merchant Marine Academy at Kings Point, New York, a four year accredited federal academy. As graduates of the Merchant Marine Academy, both Captain Leback and I are very familiar with the curriculum elements and administrative practices essential for a successful program.
Mr. Chairman, in my testimony today I would like to review with you certain events which were brought to our attention and which raised serious concerns about alleged sexual harassment and discrimination at California Maritime Academy. I will then turn to an investigation of the Academy performed by MARAD and a report based on that investigation. Lastly, I will address various actions undertaken by the Academy and its Board of Governors in response to our report, and I will present our expectations for the future. I will, of course, be pleased to answer any questions you might have.

In May, 1988, MARAD’s staff was contacted by the district office of California Congressman William Dannemeyer concerning allegations of sexual harassment and discrimination conveyed to them by a constituent female enrolled at the California Maritime Academy. The incidents occurred during the training cruise earlier in 1988 on the GOLDEN BEAR, and they were associated with the equator crossing ceremony aboard the ship. In particular, the allegations included hazing, singling-out individuals as so-called "special cases" in the crossing ceremony, destruction of
personal property, sexual name-calling and other sexual activities designed to be demeaning, and an equator crossing ceremony which was out of control.

In looking into this detailed and serious complaint, we discovered other complaints of a similar nature involving California Maritime Academy. At that time the former Maritime Administrator, John Gaughan, wrote to the Academy President, Admiral Ekelund, in July 1988 to advise him of these complaints, apprise him of our intolerance of such incidents, and request a full report by August 15, 1988. Mr. Gaughan also wrote to the Office of the Inspector General of the U.S. Department of Education requesting their attention to this matter within the context of their audit function. The Department of Education later declined to initiate such an action as beyond their area of responsibility.

We received Admiral Ekelund's report as requested by Mr. Gaughan. At a later date, we were given a copy of a considerably more extensive report prepared by an Academy employee,
Mr. Donald Sims, through Congressman Dannemeyer's office. We found that the Academy's report omitted many details contained in Mr. Sims' report. During our review of the reports in late 1988 and early 1989, we continued to receive complaints about sexual harassment, from parents, Congressman Dannemeyer's office, and the offices of two California state legislators. We again contacted the Department of Education and the Department of Justice. Neither were able to proceed because of a lack of jurisdiction. I met with Admiral Ekelund in my office on March 23, 1989, to further press our concerns and look for answers to the complaints we had received. Unfortunately, that meeting did little to dispel my concerns. In light of the continued complaints and the absence of adequate answers to our questions, I directed my staff to conduct on-site interviews and a thorough investigation during the last week of June.

With this background, I will turn now to the investigation and report. Since copies of our report have been provided to the Committee and staff, I will only provide highlights here today. Our intent in undertaking this investigation was to determine and verify the facts. We did not try to adjudicate any matters of which we were already aware or subsequently learned.
Unquestionably, the single most disturbing discovery we made was that the same sort of abusive and harassing behavior that had been reported to us regarding the 1988 training cruise was in large part repeated on the 1989 cruise. This occurred even after we had made our vigorous disapproval absolutely clear to the school following the 1988 cruise. Worse still, we had been assured that the 1989 cruise had gone perfectly with no problem. Yet, a videotape of the equator crossing ceremony on the 1989 cruise provided to us by a student at the school vividly demonstrated Academy personnel passively observing while their students engaged in dangerous, violent and abusive behavior. Both Admiral Ekelund and Captain John Keever, Master of the training ship, understood and agreed that the 1988 ceremony was totally unacceptable. Despite this admission, and despite some relatively minor improvements (such as shortening the ceremony from three days to three hours), we found the 1989 ceremony filled with instances of sexual harassment and discrimination, condoned by the Academy but unsupervised, and abusive mentally and physically. Astonishingly, disciplinary charges were not brought against any students until six months after this ceremony, and a week after our investigators had been at the school.
Our report details results of extensive interviews with students, faculty and staff, and reviews of various documents requested of the Academy. Numerous other instances of sexual harassment both on and off the training ship were reported. These included instances of unauthorized men entering women-only areas, unfair work assignments, poor communications and fondling of food service workers.

The report also listed the events and activities undertaken by the Academy to develop an awareness of the problem of sexual harassment among the student body and the entire Academy community in 1988 and early 1989. While well intentioned, we have concluded they were ineffective, at least for the 1989 cruise. The efficacy of continuing efforts to educate Academy students and personnel will be tested in the 1990 training cruise which begins in just over one week.

We concluded in our report that the central problem was one of leadership and a failure to enunciate an unequivocal policy of intolerance of harassment or discrimination of any sort. This
was evident in our review of disciplinary case records in particular. We expressed our concerns that more effective training, integrated into the fabric of the Academy community, was clearly needed. We also pointed out weaknesses in counseling, female representation in the faculty, and certain personnel problems; the Academy acknowledged these matters and indicated steps were being taken to improve.

We have directed an end to any future equator crossing ceremony, and a prohibition on further irresponsible and violent behavior on the training vessel. We also strongly recommended the six detailed actions to be undertaken by the Board of Governors of the Academy, involving such matters as training, counseling, accountability of all levels of management, evaluation of performance, etc.

Finally, in an attempt to be absolutely certain our message of disapproval was received and understood, we asked for and received an invitation to address the Board of Governors. I did so on November 15th; I can assure you my message was unequivocal:
we were out of patience and the school was on notice to improve its performance. The Board unanimously adopted our report and has since responded to each of our recommendations with a planned action. Captain Leback has acknowledged the Board's activities, and he has also told them that the Maritime Administration does not intend to manage the Academy. We firmly believe that is a matter for the State of California and the Board of Governors.

I indicated earlier I would conclude on our views and expectations for the future. The school's administration and Board of Governors have a large task ahead in carrying out their plan of action. We expect them to evaluate the effectiveness of their actions periodically, and to make modifications in their plan as necessary. We have asked for continuing reports from the school on progress. We assume that interested Members of this Committee and the State legislature will also seek a continuing flow of information from those responsible for managing the school.

The California Maritime Academy has produced many fine officers in our merchant marine, and leaders in the American maritime industry. We believe it is an enormously valuable resource not
only for this industry but for its corollary role in our national defense. The Academy has served a vital function for California industry, maritime and otherwise. Please do not interpret our severe criticisms as a call to close the school. That is clearly not our intent or desire. Unacceptable practices have been identified, and will not be tolerated by the Federal government. Corrective actions have been set in motion. We will insist on implementation of those actions and any other necessary actions. We will be monitoring the Academy's progress. The future of the Academy is in its own hands.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you or other Members of the Committee may have.
My name is Thomas Wyman. I am manager of the Government and Public Affairs Division of Chevron Shipping Company and am a member of the Board of Governors of the California Maritime Academy.

As a member of CMA's Board of Governors, I can assure you that the circumstances which led to this hearing being convened have been corrected. You have heard that the Board has adopted the recommendations proposed by the Maritime Administration and, in addition, has implemented new procedures of its own. All of these actions are directed toward assuring that problems which have been recognized at the Academy are dealt with fully and effectively. Ongoing attention and review of Academy interrelationships involving students, faculty and administration will help keep difficulties which have arisen in the past from developing ever again.

Now that these reforms are in place, it is important that the Academy once more direct its attention to that of educating its student body. CMA students are the Academy. They are the reason that CMA was established in 1929. The men and women of the Academy deserve the best education that can be offered and the full attention and support of both faculty and staff in obtaining that education. It would be unfortunate indeed if efforts to achieve
these educational objectives were weakened by some who might choose to continue to snipe at and harass the Academy administration and faculty demanding further actions or reforms. At this point, such demands would serve no useful purpose and, in fact, would prove counter-productive in diverting time and energy from the job at hand.

The Academy is a valuable educational asset and has served the State of California well. Over the last two decades, for example, more than 1700 students have graduated from the CMA and found productive employment in both industry and government. Speaking for the maritime industry, I can assure you that we rely heavily on CMA graduates to meet our seagoing personnel requirements. Chevron Shipping, for one, aggressively recruits CMA graduates to become officers aboard our ships. The education and training which CMA along with other maritime academies offer is unique in graduating young men and women who know the sea and who can immediately accept responsible seagoing positions. After obtaining broad experience at sea, many CMA graduates move ashore to managerial posts which require their maritime expertise.

It would be a serious loss for the State of California and for those young Californians who want to pursue a seagoing career if CMA were weakened or its mission were redirected. Were CMA no longer able to graduate the caliber of individual with the maritime
expertise necessary to come aboard a ship and immediately assume the duties of a third officer, industry recruiting programs would of necessity be redirected to the five maritime academies in other states. This would occur because qualified and trained graduates with maritime expertise are simply not available elsewhere in California or on the West Coast. Any faltering or weakening of CMA's educational program would be cheerfully greeted by other U.S. maritime academies whose graduates would then be sought more avidly. However, California and its youth would be the losers. The State of California relies heavily on national and international maritime commerce and has a major stake in the maritime industry. It must not abdicate its leadership role in preparing its young people for employment in that industry.

It is unfortunate that so many people are unaware of CMA and the uniquely important role it serves. CMA is the premier state maritime academy in America and its graduates are without peer in the industry. That is why so many companies direct their recruiting efforts to CMA. It also explains why most CMA graduates have multiple job offers even before they graduate -- normally at starting salary levels ranging from $30,000 to $40,000. I am not aware of any other educational institution in the State of California which can show a comparable record in placing its graduates.
In summary, the situation which brings us together here today has been addressed, and remedial measures have been adopted. There is a heightened awareness and sensitivity at CMA involving issues such as harassment and discrimination. I would emphasize that the Board of Governors has complete confidence in CMA's faculty and administration and consequently, at this point, we believe it is essential that they be allowed to refocus on their basic mission of education. This Committee should assure itself that matters are well in hand at CMA. It would then be most appropriate for members of the Committee to join Captain Warren G. Leback, head of DOT's Maritime Administration, in reaffirming their full support of the Academy and its educational objectives.

I would remind each of you that you or your representatives are most welcome at the meetings of the Board of Governors. An occasional meeting with the Board is an excellent way to keep apprised of the Academy's activities and programs and to learn of new developments.
STATEMENT OF REAR ADMIRAL J. J. EKELUND
PRESIDENT OF THE CALIFORNIA MARITIME ACADEMY
BEFORE THE SENATE SELECT COMMITTEE
ON THE MARITIME INDUSTRY (AUGMENTED)
OF 4 JANUARY 1990

A brief review of the sequence of events leading to this hearing are in order. I came to CMA in the late fall of 1983. From that time until the late spring of 1988 there was one reported case of sexual harassment on the training ship and the violator was dismissed. A previous Chairman of the Board of Governors made the entire cruise for two of these years and had nothing but high praise for the Commanding Officer and for the quality of training and the performance of the faculty and students. In addition, two of the most vocal critics among our staff and who were responsible for conduct and counseling, made several of these cruises and made no critical comments on the equator crossing ceremony at that time.

During this same interval there were three reported instances of sexual harassment by students on the campus. These resulted in suspensions and/or lengthy probation and no repeats of these violations occurred.

It is clear that the Academy did not ignore the few isolated cases of harassment that were reported and acted in an effective way in each case. It is also clear that there was no pattern of harassment or discrimination that was apparent.

At the end of cruise 1988 (March 1988) the Academy received a letter from the parents of a woman student which complained of her treatment on cruise, her unpopularity with her peers and the theft and destruction of her uniform hat. They were dissatisfied with our response and pursued a political solution of some sort.
The Maritime Administration in Washington became involved and on 5 July 1988 asked the CMA to provide them "...a listing of sexual harassment or discrimination complaints you have received over the past five years to date..." and specifics regarding each complaint received.

I had Mr. Sims conduct an internal examination of all reported cases of sexual harassment and discrimination involving students. His report was used to provide the Maritime Administration the information they requested. His entire report was not presented because parts of it did not deal with harassment or discrimination, addressed issues that were not reported to and, therefore, not known to CMA or were in the nature of third party comments or opinions. It was interpreted by CMA that MARAD wanted to know what it asked for and that what it asked for was reasonable i.e. what incidents were known to CMA and what actions did CMA take. There was no attempt to deceive or interfere with MARAD's search for information as is so frequently implied.

In our reply to MARAD on August 15, 1988 the Academy acknowledged that there were inappropriate activities and inappropriate conduct on cruise 1988 and outlined the actions it proposed to take. There was no reaction from MARAD to the actions being implemented until October 1989.

Upon completion of our internal review, we took action to sensitize and educate the entire CMA community regarding harassment and discrimination. Appendix A shows all of the actions taken. We also returned to the parents who made the original complaint with a reviewed view of the 1988 cruise events. Steps were taken to set clear ground rules on the equator crossing ceremony and to prohibit any unscheduled activities surrounding that event and to increase faculty and staff supervision.

Cruise 1989 was conducted under the new set of controls and with increased supervision. There were no known complaints of harassment or discrimination regarding student conduct on the 1989 cruise. The administration was unaware that prohibited events were in fact conducted
out of the sight of staff until about four months after their occurrence until we became aware of the existence of a video tape of these activities. We obtained a copy, reviewed it, found unacceptable behavior, and punished the violators.

In our capacity as an educational institution we should be affecting change and behavior through education and that is our primary emphasis. When education has not been effective and violations occur, the Academy has and will continue to apply appropriate discipline.

There is much confusion about what the video depicted. Some believe that it showed ship's officers observing and taking no action regarding prohibited activity. This is not the case. In its beginning the video shows a staff member terminating an unauthorized event. Then followed a series of unauthorized events which were unobserved and which contained the unacceptable behavior. The video ends with a long sequence of the supervised and authorized ceremony.

In July the Academy made the decision to abolish the ceremony. This decision is not popular with the student body but was taken because of the obvious potential for abuse and the fact that the concept itself was no longer consistent with today's standards and had no real value.

The Academy has taken steps to implement all of the recommendations of the Maritime Administration's report and many additional steps. The Administrator is, in general, favorably impressed with those actions. He and the Board of Governors will be monitoring the effectiveness of the steps we have taken.

I believe we have an enthusiastic student body who wants to and can made good things happen from within. We have a better prepared and involved faculty than ever before, and we have the best communication with students and student support in memory. I have every expectation of a very productive, satisfying, and effective year and training cruise.
The Academy is more meaningful than ever to the State of California:

- our graduates are in greater demand in a broader array of jobs than ever before; multiple job offers for all in 88 and 89 with higher than average salaries

- our school is servicing an increasing number of students; the student body has grown from 365 to 400 in three years and further growth is expected

- our programs have been broadened to better serve industry; at no increase in cost to the state, the degrees offered now are more useful and have increased choice for the students

- the state should provide the opportunity for California youth to fill the positions in the growing California maritime industry

- the state is the likely export and import center for the Pacific rim countries—the largest training partners with the U.S.; and

- recent events involving oil spills in the U.S. make it clear that the state will need a center of excellence in maritime affairs to provide the preferred accident prevention and effective clean up training the state or federal government might require.

The California Maritime Academy administration is in the enviable position among colleges and universities of having the confidence and support of those who know what's going on at the school and those with a great interest in the school's welfare. The faculty supports the actions of the administration as does the Boards of Governors and the student body. The alumni are also pleased with the Academy and are supportive of the administration. The union that represents the majority of our employees is satisfied that the Academy administration has acted appropriately with respect to the work force. Many colleges are bogged
down with internal conflict. CMA is a place with a great deal of satisfaction with what is going on.

The student attitudes have been misrepresented by a sensation hungry press. The students are most concerned that the continued attacks by some elements of the press will damage their opportunities and will interfere with the Academy process. They are frustrated at what they view as the continued addressal of the same issue in an unbalanced way.

It is my hope that this committee will weigh their concerns for their future and that the Academy can be given the opportunity to properly develop its students and service the California maritime industry. The demand for our graduates is stronger than it has ever been.
APPENDIX A

ACTIONS TAKEN BY CMA

In the latter half of 1988 CMA took the following actions:

- Conducted several hours of sexual harassment and discrimination instruction for all staff and faculty.

- Included sexual harassment and discrimination standards of conduct in President's address to freshmen in orientation and fall address to all students.

- President met with all women students to discuss harassment and discrimination and to seek improved flow of communications from women students.

- President established a period where any who desired could meet with the Administration to foster communications.

- President met with faculty to articulate expectations with respect to faculty regarding harassment and discrimination.

- President directed that the Commanding Officer of the Training Ship develop specific guidelines for the conduct of the cruise, the equator crossing ceremony, and other scheduled events.

- President directed that a section be developed for the Regulation Book for students which conformed to Title IX and covered sexual harassment and the grievance procedure related to it.

- Applied discipline to students who violated harassment and discrimination prohibitions.

In 1989 CMA took the following actions:

- Incorporated harassment and discrimination sessions in the winter freshman personal development training module which used outside experts in the field.

- Conducted senior seminars for the Class of 1989 prior to the cruise.

- Commanding Officer of the Training Ship

  1 - established guidelines for sponsored events on the training cruise and specific prohibitions against unauthorized events

  2 - conducted a training session with ships officers which focused on their duties with respect to supervision, sexual harassment, and discrimination.
The authorized events on cruise were conducted without incident. Unauthorized events were organized by students. Those discovered were stopped. Others were not discovered until months after the cruise was over. Some of these had improper behavior associated with them and students so involved were appropriately disciplined.

- Repeated the President's address to freshmen during orientation.
- Conducted a training session for all employees and students conducted by an outside expert on sexual harassment.
- Conducted a day-long seminar for ships officers and those involved in students affairs on harassment and discrimination prevention conducted by an outside expert.
- Conducted a repeat of the senior seminar for the Class of 1990.
- Continued the application of discipline for violations of harassment and discrimination. (Seven students disciplined.)
- Two supervisory personnel were removed from supervision roles because of ineffectiveness in enforcing standards.
- Promulgated Sexual Harassment Annex to Regulations for students which met Title IX requirements and incorporated a grievance procedure.
- Arranged for the conduct of an attitudes survey by an external group to identify baseline attitudes, to evaluate effectiveness of actions taken to date, and to identify unknown problems or additional corrective action required.
- Captain of the Training Ship promulgated Standing Orders for Cruise 1990 for ships officers which set standards and expectations for leaders.
- Emphasis in periodic evaluations will be placed on the degree to which supervisory personnel are effective in creating an environment free of discrimination and harassment and on actions they take to discipline where and when appropriate.
- Procedures have been established whereby the Board of Governors will monitor the performance of the discipline and evaluation system.
- Board of Governors will meet with student and staff frequently to monitor the school's environment.
- All supervisory staff and students have been asked to publicly announce their intolerance of any form of harassment or discrimination.
- A position has been reassigned to focus on staff training and problem solving.
A reorganization was effected to improve communications with students and improve student advocacy.

The actions above that relate to education, discipline, evaluation and monitoring are ongoing for the foreseeable future.
January 4, 1990

Subject: Senate Select Committee Hearing on California Maritime Academy

Statement: By Phillip C. Kazanjian, member Board of Governors, California Maritime Academy

I have not come to address the Select Committee on behalf of the California Maritime Academy, nor on the behalf of the Board of Governors.

Rather, I am here in my individual capacity as a member of the Board of Governors.

Like you, I am shocked and disheartened by the problems that have been uncovered at the California Maritime Academy. I commend this Senate Select Committee for their concern about the Academy and for conducting this hearing. I pledge my full support and cooperation to your efforts.

The charges leveled against the leadership of the Academy involve conduct of a most reprehensible nature including, sexual harassment and racial discrimination and like you I have "zero tolerance" for those who allow such conduct to take place.

It appears there are at least three individuals in leadership positions at the Academy who must bear direct accountability for the current crisis at the Academy. They include: the Chairman of The Board of Governors, the President of the Academy and the Commanding Officer of the training ship - The Golden Bear.
As to the Chairman of the Board, I made my position clear in a letter to him dated November 24, 1989, wherein I called for his resignation. The Board of Governors will consider his ouster at our forthcoming January 10th Board meeting.

As to the President of the Academy and the Commanding Officer of the Training Ship. It also appears they should be terminated. However, I am withholding judgment on them pending a complete investigation as to the role they played.

I am concerned that these same three who have covered up the situation at the Academy are now also presiding over the investigation.

I am here to request that the Senate retain special independent counsel and provide that individual with their full support and cooperation. We need to arm that individual with the power to conduct a complete, indepth, thorough, and independent investigation of the many charges that have been leveled against the Academy. Further, we must require individual make recommendations for our implementation.

My recommendation for such "special independent counsel" is the highly respected past president of the California State Bar Association Mr. Terry Anderlini.

I thank you for the invitation to address this Committee and welcome any questions you desire to ask of me.
NAME: P. TERRY ANDERLINI  AGE: 46

Married to Regan Anderlini. Daughter, Gina, age 21; Son, Andy, age 7.

EDUCATION: Tulane University, 1965, B.A. Degree, San Francisco Law School, 1969, J.D. Degree.

LAW FIRM: Partner, ANDERLINI, GUHEEN, FINKELSTEIN & EMERICK, San Mateo, California.

BAR ACTIVITIES:
1989: Member, California Commission on Judicial Performance
1989: Member, California State Bar Delegation to the ABA
1989: Treasurer, California Lawyers Political Action Committee (PAC)
1987-1988: President, State Bar of California
1984-1987: Member, State Bar Board of Governors
1982: President, San Mateo County Bar
1978: Member, Board of Governors, California Trial Lawyers' Assoc.
1977: President, San Mateo Trial Lawyers' Assoc.
1975: President, San Mateo Barristers Club

San Mateo Bar Pro-Bono Project, Chair
County Lawyers Referral Committee, Member
Bench and Bar Committee, Chair
San Mateo Private Defender Committee, Member
Legal Aid Society of San Mateo County, Dir.
Guest Lecturer at SMTLA and CTLA Seminars
Guest Lecturer at Santa Clara Law School, University of San Diego Law School, and San Francisco Law School
Author of numerous articles published in the Daily Journal, Recorder, California Lawyer, and Barclays

COMMUNITY ACTIVITIES:
Past Director, Poplar Center for Retarded Adults and Children
Member, Service League of San Mateo County
Past Director, Peninsula Social Club
Past President, Italian American Federation
Past President, San Francisco Bay Knarr Sailing Association
Order Sons of Italy, Columbia Lodge, Member
Faculty Association
California Maritime Academy
Box 1392, Vallejo, CA 94590

Special Committee on Maritime Academy Matters
California State Legislature
Sacramento CA 95814

Senators and Members of the Assembly:

Prior to legislative implementation of collective bargaining for higher education in California, the Faculty Association at the Academy served as the negotiating agent for faculty members on matters involving working conditions, salary proposals, grievances, promotions, tenure, curriculum and other items commonly addressed by faculty senates at larger institutions. With collective bargaining, many of these functions have by law passed to our CSEA representatives whether we are members or not. It does appear, however, that representations in the press and elsewhere as to our individual and collective failure to provide an appropriate educational environment is outside the range of usual union concern and permits our appearance here.

By far the last of the state maritime academies, the Academy was established in 1929 to serve a shipping industry that was like the armed forces of its time—male and almost all white. Applications by women were not accepted and most minority students were discouraged more by the society as a whole than the institution. Remember the difficulty of a society past to accept that a professional athlete might be black or that orientals could immigrate or live outside prescribed towns. This old society, the old maritime industry and the old Academy could have stayed that way until change was directed from above, probably motivated by protest.

While not a hotbed of liberal thought, the California Maritime Academy faculty and administration have at least some of the characteristics of the broader thinking of higher education, more so as we became a regular accredited degree-granting institution.

We have lead the way. We have for decades energetically recruited students from the various minority communities in the state. With the assistance of generous alumni and a few major shipping companies, we spent most of our available scholarship funds supporting minority students. This before State money was available for this purpose. A major effort went into insuring that there were employers ready to face the challenge of breaking the various unwritten restrictions. We were successful. We have the highest minority enrollment and graduation statistics for maritime academies.

Eighteen years ago, while the Congress and the federal service academies were arguing about how and whether women could be permitted to attend, we quietly removed the gender restriction from the catalog and accepted the three women who applied. This was an experiment. There was no model for a coeducational academy. There were no funds for special facilities and in many cases we had to make do with less than the best. Almost everything about the environment was inadvertently but unacceptably sexist. These first pioneers helped us change the things that had to change, but took with good humor in an effort to be accepted many things which could change, but didn’t have to.
Our first priority has always been to produce the most competent possible ship's officer. This was even more important with our early minority graduates and especially for the pioneer women. They were going to an industry which was at best indifferently hostile and often much worse. Attestations to at least a few leading companies that these new graduates were just as competent as the others we had provided obtained a trial. Their competence then won for them and those who followed the industry acceptance today.

Our pioneer women have progressed on their merits to the top of their profession. We have the first academy woman graduate Master Mariner (ship captain), the first Chief Engineer and this year the first tenure track woman officer academy faculty member. We have a higher percentage of women students.

Our raw material is a cross section of the college bound high school graduate teenager of today. Some are irresponsible, a few are racist and some are sexist. They are cruel to each other in things said and done. In addition to the academic proficiency and ship's officer competence we expect mature responsibility by graduation. This includes at least the suppression of unacceptable actions toward others. In this we succeed only as they proceed toward graduation.

The press and your recent attention to incidents at the Academy has brought a new challenge, the elimination of unacceptable behavior as soon as the student enrolls. Our prior attention was to this achievement by graduation or else to deny the graduation and hence service as a ship's officer. Almost all of our problems have been with students in the first half of the program and recent highly publicized incidents have involved students in their first weeks of enrollment.

The Academy responses to your inquiries and the MARAD investigation show the direction we are taking. It seems to us counter productive to respond as some have proposed by eliminating the present Academy leadership forcing the faculty to enter a search, interview and orientation process when day-to-day management is required. It would also seem unwise to eliminate the institution which provides the best entry to this industry for the very individuals we are trying to assist past employment barriers. The officers in ships plying California waters should as much as possible be trained and brought to maximum competence under control of Californians.

Very respectfully,

GEORGE B PARKS, PhD
Professor, CMA
President
THE OFFICERS OF THE CALIFORNIA MARITIME ACADEMY ALUMNI ASSOCIATION HAVE FOLLOWED THE INCIDENTS, AND HAVE CONDUCTED AN INVESTIGATION OF THE INCIDENTS CONCERNING ACADEMY DISCIPLINE, THAT HAVE RECENTLY COME TO PUBLIC ATTENTION.

IT IS THE POSITION OF OUR ALUMNI ASSOCIATION THAT THE DISCIPLINARY PROCEDURES AND POLICIES AS DEVELOPED AND RECOMMENDED BY THE PRESIDENT AND WHICH HAVE BEEN APPROVED BY THE BOARD OF GOVERNORS, ARE BOTH ADEQUATE AND EQUITABLE FOR THE ADMINISTRATION OF DISCIPLINE AT THIS INSTITUTION. AS GRADUATES, INDUSTRY LEADERS AND SEAGOING OFFICERS, WE RECOGNIZE THAT NO SYSTEM WITHIN A DEMOCRATIC SOCIETY CAN PREVENT INDIVIDUALS FROM TAKING INDEPENDENT ACTION THAT MAY BE CONTRARY TO RULES AND REGULATIONS AND THE INTERESTS AND WELL-BEING OF OTHERS.

DISCIPLINARY POLICIES CANNOT ALWAYS BE SO LIMITING AS TO PRESCRIBE EXACT PARAMETERS. FINAL JUDGMENT HAS TO BE LEFT TO THE APPOINTED, EXPERIENCED OFFICERS.

WHILE DISCIPLINE AT THE ACADEMY IS DEFINITELY A MATTER OF CONCERN TO THE GOVERNMENT AND THE CONSTITUENTS OF THIS STATE, IT IS OUR OPINION THAT THE SUBSTANCE OF THE INCIDENTS IS CONSIDERABLY LESS THAN THE PUBLIC ATTENTION IT HAS BEEN GIVEN.

AS GRADUATES OF THE MARITIME ACADEMY, WE HELP SERVE THE COMMUNITY AND REPRESENT THE MARITIME INDUSTRY ON THE WEST COAST. IN THAT CONNECTION, WE ARE EXTREMELY CONCERNED THAT THE GRADUATES WE EMPLOY FROM THE ACADEMY DO NOT PRESENT A THREAT TO THE PEOPLE FOR WHOM THEY WORK OR WITH WHOM THEY SAIL. ON A CONTINUING BASIS, THE ALUMNI ARE CLOSER TO THE REALITIES OF THE MARITIME INDUSTRY THAN LEGISLATORS OR OTHER SEGMENTS OF THE GENERAL PUBLIC.

CAPTAIN PAUL S. MEAD
NATIONAL PRESIDENT