
**SPECIAL COMMITTEE REPORT
ON SEXUAL MISCONDUCT AND
THE NFB'S RESPONSE**

SPECIAL COMMITTEE

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CONTENT WARNING: The following contains references to sexual misconduct. If you or someone you know has experienced sexual violence, you are not alone. The National Sexual Assault Hotline offers free, confidential support, 24/7, at **1-800-656-HOPE (4673)** or at online.rainn.org.

I. INTRODUCTION

A. Overview of Allegations of Sexual Misconduct and the NFB's Response

The National Federation of the Blind ("NFB") was founded in November 1940 when delegates from seven states gathered for the organization's first meeting and drafted the first Constitution. At its founding, the NFB's primary purpose was to promote the economic and social welfare of the blind. Today, the NFB continues to pursue that goal and many others, including "serv[ing] as a vehicle for collective action by the blind of the nation; function[ing] as a mechanism through which the blind and interested sighted persons can come together in local, state, and national meetings to plan and carry out programs to improve the quality of life for the blind; provid[ing] a means of collective action for parents of blind children; promot[ing] the vocational, cultural, and social advancement of the blind; and achiev[ing] the integration of the blind into society on a basis of equality with the sighted." *See* NFB Constitution, Art. II. Since its founding, the NFB has grown to become the largest organization of blind people in the United States, with affiliates in every state, the District of Columbia, and Puerto Rico.

On December 4, 2020, a former NFB member posted to Facebook a request that victims and survivors of sexual misconduct at blindness training centers, particularly those affiliated with the NFB, contact her. Over the next several weeks, survivors took to

Facebook to report incidents of sexual misconduct within the NFB and at its affiliated events and facilities.

In response to these allegations, on December 11, 2020, NFB President Mark Riccobono and the NFB's Board of Directors ("Board") issued a public statement affirming that the NFB stood in solidarity with survivors and emphasizing that sexual misconduct within the NFB would not be tolerated. On December 16, 2020, with the Board's unanimous endorsement, President Riccobono issued an Open Letter of Apology, in which he publicly acknowledged the pain suffered by victims and survivors in their experiences with the NFB, apologized for instances in which the organization may have failed to adequately address the issue, and outlined numerous improvements and expectations that the organization would embark upon. See <https://nfb.org/blog/open-letter-apology-president-riccobono?q=blog%2Fopen-letter-apology-president-riccobono>.

On December 17, 2020, survivors and allies published an Open Letter addressed to the Board of the NFB and to the National Blindness Professional Certification Board ("NBPCB") alleging widespread instances of emotional and psychological abuse, sexual assault and harassment, and other forms of abuse within the NFB and its affiliated events and facilities. The Open Letter called the NFB and the NBPCB to take action and included proposed recommendations for addressing the alleged abuses. The Open Letter has approximately 500 signatories.

On or about December 24, 2020, each of the three NFB-affiliated blindness training centers – BLIND, Inc., Colorado Center for the Blind, and Louisiana Center for the Blind – issued statements or letters of apology concerning allegations of sexual

misconduct. See <https://www.blindinc.org/statement-of-acknowledgement-and-commitment-to-change/>; <https://cocenter.org/our-statement-endorsing-the-open-letter-of-apology-from-mark-riccobono/>; <https://www.louisianacenter.org/commitment-to-change>.

In each of these statements, the training centers endorsed President Riccobono's December 16, 2020 Open Letter of Apology, offered their own apologies for the experiences that survivors endured, and committed to strengthening policies, practices, and procedures and protecting training center students and staff.

B. Formation of Special Committee and Its Charge

The Board unanimously voted to establish the Special Committee ("Committee") on January 6, 2021, to independently oversee and direct an internal investigation of allegations of sexual misconduct by NFB members, participants, or staff at the NFB or NFB-affiliated events or facilities, including its affiliated training centers and its state affiliates, and the adequacy of the NFB's and its affiliates' response to such allegations.

The Board appointed Denise Avant, Tim Elder, Ronza Othman, and Sharon Krevor-Weisbaum to the Committee. Each is a member of the NFB with a longstanding commitment to its mission and work. Each Committee member agreed to serve on the Committee because he or she believes in the NFB's work and the value of the life-changing programs it provides to thousands of blind people, and he or she recognizes that a full accounting of how the organization handled complaints of sexual misconduct in the past is critical to ensuring the safety of all those who engage with the organization in the future. Each of the Committee members has dedicated a significant amount of time to this investigation.

The Committee engaged Kramon & Graham, P.A., to conduct the needed interviews and advise the Committee accordingly. This firm has a well-established reputation and extensive experience conducting independent investigations, including cases involving alleged sexual misconduct. During the investigation, attorneys from Kramon & Graham, P.A., interviewed individuals to gather information about alleged misconduct and how cases were handled by the NFB. To be clear, Kramon & Graham, P.A., reports solely to the Committee and was not engaged to defend the NFB against any allegations.

In addition to establishing the Committee, the NFB partnered with the Rape, Abuse & Incest National Network ("RAINN") to create and conduct a mandatory training program regarding sexual violence and misconduct for staff, volunteers, and state and national leadership, with training beginning in March 2021. The NFB also enlisted RAINN to review and refine the NFB's Code of Conduct to ensure that the NFB includes the best practices and strongest policies possible to prevent sexual misconduct. The NFB and RAINN have also collaborated to devise other ongoing trainings, processes, and resources as needed.

Also in early January 2021, President Riccobono appointed a six-member survivor-led task force ("Task Force") to serve as an intermediate advisory team to the NFB's leaders, members, and third-party partners until a long-term solution is identified. Representing the voice of survivors, the Task Force has focused on addressing and preventing abuse and sexual misconduct within the NFB.

C. NFB Constitution and Code of Conduct

The NFB Constitution outlines the organization's structure and its mission, as described above. Article IV of the Constitution provides that the NFB shall have officers and a Board. Article IV, Section A of the Constitution states: "The officers of the [NFB] shall be: (1) president, (2) first vice president, (3) second vice president, (4) secretary, and (5) treasurer. They shall be elected biennially." Pursuant to Article IV, Section C of the Constitution, the Board consists of seventeen members and is "composed of the five officers and twelve additional members." The NFB holds an annual national convention in July, and the Convention is the supreme governing authority for the organization. In accordance with Article IV, Section C of the Constitution, the twelve additional members of the Board are elected by the membership for two-year terms at the annual Convention. The Board meets annually during the Convention, during the first weekend in December, and, otherwise, on an as-needed basis.

In 2017, the NFB appointed a committee to develop a Code of Conduct for the organization. On January 26, 2018, the Board adopted the Code of Conduct ("Code"), which sets forth the policies and standards that all NFB leaders and members are expected to follow. The Code has been amended several times since its inception based on feedback from NFB members and third-party consultants. In December 2018, the Board committed to reviewing the Code on at least an annual basis.

Since then, a committee has reviewed the Code at least once each year for effectiveness and potential areas of improvement. On April 4, 2019, the Code was amended to clarify that it applied to "all members of the Federation, but especially . . .

Federation leaders," defined as "NFB officers, national board members, state affiliate presidents and their boards, division presidents and their boards, and local chapter presidents and their boards."

On December 5, 2020, the emphasis on "Federation leaders" was eliminated and the Code was amended, by unanimous agreement of the Board, to simply apply to "[a]ll members, employees, and contractors of the Federation." The Code was also amended to: include gender-neutral language; define when a conflict of interest arises; expand the Conflict of Interest Policy to apply to all "NFB officers, national board members, state affiliate presidents and their boards, division presidents and their boards, and local chapter presidents and their boards, employees, and contractors with independent decision-making authority on behalf of the organization"; expand the application of the Policy While Interacting with Minors to "[a]ny adult member, employee or contractor of the Federation"; and provide for formal and informal procedures for handling complaints made pursuant to the Code, as well as the appointment of a Code of Conduct committee tasked with "review[ing] data and procedures regarding complaints filed under th[e] Code[,] monitor[ing] actions under th[e] Code[, and] mak[ing] recommendations to the [Board] from time to time." The NFB intends to amend its Code again after it receives recommendations from this Committee and from its consultant, RAINN.

D. Complaints Raised to Date

Before the NFB retained an External Investigator in January 2021, nine complaints alleging sexual misconduct proceeded through the Code of Conduct process. Since December 2020 (and as of June 19, 2021), an additional 60 complaints have been

submitted. The complaints allege 55 separate incidents and concern the acts of 52 separate people, who are alleged to be either transgressors or leaders who have failed to respond appropriately. Of those, eight people are accused of failing to respond adequately to allegations of sexual misconduct. Approximately 22% of the submissions were filed by "Responsible Leaders," or people who are now in leadership positions and feel that under current guidance they are required to file a submission. *See* <https://nfb.org/about-us/history-and-governance/code-conduct/guidance-obligations-elected-leaders-share-critical>.

Of the 69 total complaints alleging sexual misconduct that have gone through the Code of Conduct process, or remain pending, four involve minors, all of whom were teenagers at the time of the alleged misconduct.

As set forth in further detail below, the Committee has conducted more than 70 interviews concerning allegations of sexual misconduct and the response thereto. Many of these interviews concern matters that have proceeded through, or are currently pending in, the Code of Conduct process. Some have not yet been submitted to the External Investigator.

II. INVESTIGATIVE AND DELIBERATIVE PROCESS

A. Roles of Committee Members and Kramon & Graham, P.A.

The Committee retained the law firm of Kramon & Graham, P.A. to conduct the internal investigation and report to the Committee on a regular basis concerning emerging themes and issues. Since the formation of the Committee in January 2021, the

Committee has met on a weekly basis and more frequently when necessary to carry out its charge.

B. Independence of Investigation

Other than establishing the initial scope of work, neither the Board nor the Office of the President imposed any constraints on the investigation. The Committee received the full cooperation of Federation leaders and was given permission and sole discretion to request interviews with anyone the Committee believed was reasonably likely to have relevant information. The Committee also was given access to relevant documents and information at the outset of the investigation and was provided additional documents and/or information deemed pertinent upon request.

This report represents the view of the Committee members based on the information gathered in the course of the investigation.

C. Information Considered

To date, the Committee's counsel has: conducted a total of 75 interviews of 56 separate people; reviewed the files for all Code of Conduct proceedings conducted before December 2020; and reviewed all reports authored by the External Investigator, Tonya Baña, Esquire, and related correspondence post-December 2020. Counsel also has reviewed: hundreds of pages of documents and correspondence provided by witnesses in connection with interviews; current and prior policies and forms provided by the training centers and certain affiliates; materials generated in connection with the NFB's National Convention; other NFB announcements; and social media posts on the subject of sexual misconduct within the organization.

D. Governing Rules for Investigation and Report

To the extent possible, the Committee has avoided attributing the evidence and information discussed in this Report to any specific individuals so as to maintain the anonymity of witnesses and to minimize any concerns that they will be retaliated against for participating in the investigation. Given that much of the information bearing on the findings of fact was obtained from multiple sources, the Committee does not believe that this approach has compromised the integrity of the Report.

The findings of fact set forth in this Report were made based on a "preponderance of the evidence" standard after reviewing all of the evidence in light of the relative credibility of the witnesses. In other words, the Committee determined whether it appears more likely than not that an event, occurrence, discussion, or other matter alleged had occurred. Thus, unless otherwise noted, the Committee has determined its findings are more probable than not and, for that reason, unless otherwise expressly stated, the Committee's findings should not be construed as stating facts to an absolute degree of certainty.

This Report does not provide any findings or conclusions as to whether alleged conduct violated applicable state or federal laws. The findings and recommendations in the Report represent the Committee's independent conclusions and opinions based on the evidence gathered during the investigation. No employee or representative of the NFB previewed, drafted, or edited any part of this Report before its completion.

With respect to communications with and interviews of witnesses, the interviewer identified himself or herself, disclosed to the witness that the interview was being

conducted as part of the Committee's investigation, and obtained the witness's consent before conducting the interview.

E. Confidentiality

Given the importance of the NFB to the social and professional worlds of many members, most witnesses have requested confidentiality at their interviews. Accordingly, witnesses have not been identified in this Report and, unless consent was given, witnesses were not identified in the course of Committee meetings.

III. EXECUTIVE SUMMARY OF FINDINGS TO DATE

The vast majority of people interviewed by the Committee conveyed a sincere appreciation for what the NFB has achieved for the blind community. No person who was interviewed questioned these achievements or expressed a desire that the organization shift its focus away from the promotion of the economic and social welfare of the blind. But a significant portion of those who have experienced sexual misconduct expressed to the Committee their dismay at general attitudes toward sexual misconduct and those who report it, and frustration at the implicit message received at times that to address their complaints would somehow be inconsistent with the NFB's mission.

The Committee rejects the notion that there is any inconsistency between advancing the rights of the blind and sending a clear message that sexual misconduct will not be allowed; the two principles are in harmony. Based on the specific findings set forth in greater detail below, the Committee finds that sexual misconduct within the organization has caused real trauma. That, in turn, has caused the affected people to limit

their access to the social and economic benefits of membership. In addition to the negative effects at the individual level, the Committee finds that sexual misconduct has negatively impacted the NFB as a whole. The Committee is certain that the organization itself suffers when members lose trust or are discouraged from fully engaging in Federation activities or have disengaged altogether. The Committee finds that leadership plays an important role in setting the tone for the conduct of the membership and for ensuring that policies for responding to sexual misconduct are adopted, implemented, and followed. The Committee finds that the organization can strengthen its policies and practices for responding to sexual misconduct so that future harm is prevented. The Committee further finds that individual NFB members play an important role in setting the tone for the conduct of other members, stepping up both to support survivors and to condemn misconduct.

In this Report, the Committee outlines its specific findings based on the information received to date; recommends policies and practices that the Committee hopes will prevent the incidence of sexual misconduct in the future; and recommends policies and practices for responding to any incidents that might occur so that further harm is avoided.

The Committee notes that the blind community represents a broad cross-section of society as a whole and, accordingly, faces the same challenges that society faces, including the issue of sexual misconduct and the consequence of not adequately addressing it in the past. Our community is not immune to the issue.

Importantly, the evidence the Committee has reviewed to date does not indicate that any alleged acts of sexual misconduct would not have occurred but for the survivor's blindness. Stated differently, the Committee does not find that the fact that a person is blind means that person is more or less vulnerable to being victimized by sexual misconduct.

Finally, the Committee wanted to issue a report before the 2021 National Convention to inform the NFB community of the Committee's findings and recommendations to date. Additional work remains to be completed and, for that reason, this Report is an interim report. The Committee expects to issue a final report in the fall to address matters that are still under review. Those matters include significant issues identified in three state affiliates and allegations of incidents involving sexual misconduct at the three NFB-affiliated training centers that were raised in pending Code of Conduct matters and in interviews with the Committee. The Committee is also aware that the training centers have implemented new policies and have taken action in response to sexual misconduct. The Committee would like the opportunity to evaluate those responses in the context of the allegations of misconduct at the centers. Moreover, to the extent additional issues within the Committee's charge are raised at or after the 2021 National Convention, the Committee will address those. The Committee offers the recommendations below, which we urge the Board to adopt and implement.

IV. LEADERSHIP RESPONSE TO SEXUAL MISCONDUCT ALLEGATIONS AGAINST FREDRIC SCHROEDER

During the Committee's work, it became increasingly clear that many within the NFB community feel disappointment and frustration about how the NFB addressed complaints alleging sexual misconduct on the part of Fredric Schroeder. Given Dr. Schroeder's prominence within the organization and the number of allegations about his misconduct over the course of many years, it is not possible to conduct an objective investigation of sexual misconduct within the NFB without addressing the subject of Fred Schroeder. The Schroeder matter has been described, figuratively, as the elephant in the room. In the Committee's estimation, it has simmered within the organization for decades, and the Committee believes it is healthy and necessary for the organization to address it in a formal way in this Report. There are two principal reasons to do so. First, Schroeder was a prominent figure within the organization and complaints concerning his misconduct spanned close to four decades. Multiple people who either survived or witnessed the misconduct have been affected. And, the handling, or mishandling, of that misconduct has been identified by multiple witnesses as a factor contributing to their mistrust of the organization's assertion that it wants to improve the ways in which it responds to these issues and, in some cases, to a decision to leave or decrease participation in the organization. Second, the case illustrates the significant evolution in the NFB's response to sexual misconduct over the decades.

Because this aspect of the investigation concerns events and discussions occurring over the course of decades, establishing every detail was not possible. Moreover, to

protect survivors, the Committee will not reveal specific details. Nonetheless, witness accounts of conversations and events were largely consistent (with one notable exception as set forth below) and several themes emerged. The preponderance of the evidence is more than sufficient for the Committee to reach the following findings:

- (a) Schroeder engaged in sexual misconduct over the course of decades. Although the Committee does not know the exact number of instances, the Committee reasonably finds that there were many. Multiple women were traumatized by him.
- (b) By the early 2000s, certain members of leadership were aware of Schroeder's misconduct and complaints relating to that misconduct.
- (c) Leadership's response in those early days was not adequate.
- (d) Leadership's response improved in and around 2014, as additional incidents involving Schroeder were raised and as the transition from the Maurer administration to the Riccobono administration occurred.
- (e) The response, however, was still not sufficient. Specifically, the decision to support Schroeder's candidacy for president of the World Blind Union and to grant Schroeder a platform at annual conventions following his resignation from NFB leadership positions was a mistake.

In our fourteen interviews concerning Schroeder's misconduct and the response to that misconduct, seven specific survivors of Schroeder's misconduct were identified by name. Witnesses described several additional incidents of sexual misconduct by Schroeder but declined to identify the victims/survivors of those incidents. The survivors allege misconduct of two distinct types on the part of Schroeder – predatory grooming behavior with young women he mentored or supervised; and groping and aggressive acts committed in connection with alcohol consumption. (Grooming is "manipulative behavior that the abuser uses to gain access to potential victims, coerce them to agree to

be abused, and reduce the risk of being caught." See <https://www.rainn.org/news/grooming-know-warning-signs>.)

The Committee finds that, based on the statements of then-President Maurer and additional witnesses with first-hand knowledge, leadership at the highest levels was aware of the misconduct by 2002 at the latest. Specifically, after a report concerning Schroeder's misconduct was made to Louisiana Tech University in 2001 or 2002, then-President Maurer learned of the complaint and discussed it with Schroeder and another witness. The witness asserted that Dr. Maurer was upset that the witness had initiated the complaint without talking with him first. Dr. Maurer admitted he was aware of the complaint and recalls that the discussions at the time were centered around protecting the reputation of the Louisiana Tech program and avoiding the potential fallout to that program and to the Federation.

Five separate, credible witnesses have recounted additional confrontations or conversations with then-President Maurer about Schroeder's increasingly public misconduct and the need to intercede. Each, however, came away with the clear understanding that Dr. Maurer had no intention of intervening. The Committee concludes that there was a sense of futility on the part of witnesses who brought to Dr. Maurer concerns about Schroeder's behavior. One of the witnesses reported talking with Dr. Maurer about the issue before 2010. Meanwhile, an informal network of women formed to protect younger members from Schroeder's misconduct by devising creative techniques for avoiding him or minimizing interactions. Dr. Maurer acknowledged conversations with only one of these witnesses and with an additional person with whom

we have not spoken; he denied having any memory of the other conversations. According to one witness, Dr. Maurer advised the witness that he intended for Dr. Schroeder to become the president of the World Blind Union and did not want anything to "derail" that. Dr. Maurer denied that that discussion occurred. Dr. Maurer explained, however, that, as a result of Schroeder's conduct, Dr. Maurer concluded that he could no longer support Schroeder in his advancement within the NFB. Specifically, Dr. Maurer stated that he would not support Schroeder as the next president of the NFB. Dr. Maurer notified Schroeder of that decision in the fall of 2013. Notwithstanding the incredible leadership Dr. Maurer provided during his tenure on many important issues, the Committee concludes that, on this issue, Dr. Maurer failed in his duty to the Federation. The Committee defers to the Board as to what, if any, action should be taken.

In or around October 2014, after Riccobono became president, a survivor came forward after another incident involving Schroeder. She went initially to then-Treasurer Pam Allen to report the incident, and thereafter the survivor and Ms. Allen met with President Riccobono concerning the incident. The survivor reports understanding that, at or around the same time, another person also came forward with allegations about Schroeder.

Not long after, President Riccobono, Dr. Maurer, Mrs. Jernigan, and Dr. Schroeder gathered in Orlando to plan for an upcoming event. President Riccobono, Dr. Maurer, and Mrs. Jernigan used the trip as an opportunity to meet with Schroeder about his misconduct. Specifically, the group had concluded that Schroeder needed to resign from his position as First Vice-President of the NFB Board and as President of the Virginia

affiliate. President Riccobono recalled that, when they confronted Schroeder with the allegations (and before they had the chance to request Schroeder's resignation), Schroeder did not attempt to dispute the allegations and offered to resign. Thereafter, Schroeder submitted his resignation to the Board, the members of which were made aware of the most recent issue raised.

In the November 2014 Presidential Release, however, President Riccobono announced to the membership that Schroeder had resigned from the NFB Board for "personal reasons." President Riccobono stated that, although Schroeder had left the Board, he was not leaving the Federation; President Riccobono expressed his appreciation for all the work Schroeder had done and would continue to do for the Federation. At or around the same time, Schroeder resigned from the presidency of the Virginia affiliate.

There was no announcement from either the national organization or the state affiliate that Schroeder's resignation had anything to do with misconduct. In addition to remaining a member of the NFB, Schroeder maintained his roles on the boards of the World Blind Union and the NBPCB. One survivor who had previously reported Schroeder's misconduct listened to the Release, watched for developments over the next several months, and wondered, "why did I bother?"

Less than a year later, Schroeder spoke at the General Session of the NFB's 2015 National Convention, giving a speech entitled, "The Blind in the World: Spreading The Federation Message." (2015 Agenda, General Session, July 9, 2015). He was given a similar platform at the 2016 National Convention, giving the very first speech at the

General Session. (2016 Agenda, General Session, July 4, 2016) ("The Blind in the World: Leadership, Philosophy, and Action on a Global Scale."). A month later, with the NFB's express support, Schroeder became the President of the World Blind Union.

Meanwhile, Schroeder remained the President of the Board of the NBPCB, having been so since July 2011. When another member's certification as a blind professional was revoked in 2019 for sexual misconduct, it was Schroeder who wrote the letter to him explaining his options. The NFB also continued to give Schroeder a platform; in 2017, he once again was given one of the general session slots at the National Convention.

In 2019, Schroeder's reception at the National Convention was different. Edward Bell, the Secretary-Treasurer of the NBPCB, was scheduled to speak during the General Session about consumer-driven professional development. Dr. Bell unexpectedly had to leave the Convention and asked Schroeder to take his place on the agenda; Dr. Bell viewed Schroeder as a natural pick because Schroeder was then the President of the NBPCB. Dr. Bell reported that he, like many in the NFB, was unaware of the reason for Schroeder's resignation from the NFB's Board. The audience, however, did not know about the change in speaker. As a result, there was no opportunity for audience members to avoid the presentation had they wished to do so. Multiple witnesses reported to the Committee that, when it became apparent Schroeder would be giving the speech, dozens of people stood and left the room ("the 2019 Walk-Out").

It was this event – when a large group of members literally voted with their feet – that caused leadership to realize that the decisions they made in 2014 were not adequate.

Leadership recognized that Schroeder should no longer occupy such a prominent position at NFB events or continue to lead the NBPCB Board.

Since January 2021, when the NFB retained an External Investigator for Code complaints involving sexual misconduct, five complaints have been filed against Schroeder alleging sexual misconduct that occurred prior to his resignation in 2014. The External Investigator recently completed her investigation into those allegations, finding in favor of the complainants and recommending that Schroeder be suspended from the NFB for a period of five years, at which point he will be allowed to reapply for membership if he has complied with several conditions. President Riccobono adopted the External Investigator's recommendations in full. He also notified the World Blind Union of the suspension. On June 15, 2021, the World Blind Union announced Schroeder's early resignation from his position as president.

Based on these findings the Committee concludes that, until recently, the NFB's response to Schroeder's misconduct has been inadequate. Multiple witnesses offered their perspective on why this occurred, explaining that Schroeder's undeniable professional accomplishments and contributions to the blind community made it difficult for any leader to insist that Schroeder be held accountable for his acts, and further that there was a general belief that the sanctions applied in 2014 – effectively ending Schroeder's advancement within the NFB – were fairly serious. But the public-facing information about Schroeder was obviously very different. Schroeder's ongoing access to prominent placement on the NFB's National Convention agenda and the NFB's visible (and reportedly financial) support for Schroeder as president of the World Blind Union

created the distinct impression that the NFB had nothing but the highest regard for Schroeder. That was not fair to the survivors of Schroeder's misconduct.

The Committee further concludes that the 2019 Walk-Out was a galvanizing moment for the NFB, sending a clear message from survivors and their allies that no member was too important to be held fully accountable for sexual misconduct. The Committee believes that that message has been received and accepted, as evidenced by President Riccobono's adoption of the External Investigator's recommendation to suspend Schroeder's NFB membership.

V. PRELIMINARY FINDINGS AND RECOMMENDATIONS RELATING TO NFB-AFFILIATED TRAINING CENTERS, EVENTS, AND ACTIVITIES

Multiple incidents of sexual misconduct raised in social media and in Code of Conduct complaints and Committee interviews are alleged to have occurred at the three NFB-affiliated training centers. The Committee has not yet completed its investigation of these incidents or of the sufficiency of the response at each of the training centers. Nor has the Committee evaluated recent measures and policies implemented at the centers to address this issue. Pending completion of this aspect of the Committee's investigation, the Committee provides the following background information concerning the status of complaints of sexual misconduct at the training centers:

A. Louisiana Center for the Blind

1. Of the 60 Code complaints submitted to the External Investigator, 18 concern alleged conduct at Louisiana Center for the Blind ("LCB"), involving 16 separate incidents and 16 alleged transgressors.

2. The final reports that have been issued by the External Investigator to date have resolved five of the alleged incidents at LCB; of those five, the External Investigator found a violation of the Code in two claims and found no violation in the others. The Committee's final report will provide an update to reflect additional reports issued by the External Investigator.

3. Before the NFB engaged the External Investigator, one case involving allegations of sexual misconduct at LCB proceeded through the Code of Conduct process. A committee convened by the President found a violation of the Code in that case.

4. Thus, to date, violations of the Code have been found in three claims submitted through the Code of Conduct process involving allegations of sexual misconduct at LCB. One of those three cases involved sexual misconduct that occurred when the complainant was a minor.

5. The Committee learned of additional allegations concerning sexual misconduct while conducting its investigation. The Committee interviewed 12 separate witnesses concerning alleged incidents involving sexual misconduct at LCB. Those witnesses addressed 17 separate incidents. The investigation into those allegations is pending, and the Committee intends to report findings related to that portion of the investigation in its final report.

B. Colorado Center for the Blind

1. Of the 60 Code of Conduct complaints submitted to the External Investigator, three concern alleged conduct at the Colorado Center for the Blind ("CCB"). These complaints raise three separate incidents involving six respondents.

2. The reports that have been issued by the External Investigator to date resolve one of these complaints. In that report, the External Investigator found a violation of the Code with respect to that complaint. Additionally, the External Investigator has addressed, in a separate report, the conduct of a person who worked as an apprentice at CCB but was terminated when it was discovered he was sending inappropriate text messages to a program participant. The Committee's final report will provide an update to reflect additional reports issued by the External Investigator.

3. There were no cases involving allegations of sexual misconduct at CCB that proceeded through the Code of Conduct process prior to the NFB's retention of the External Investigator.

4. Thus, to date, a violation of the Code has been found in one case involving allegations of sexual misconduct at CCB.

5. The Committee will report on the pending Code of Conduct cases in its final report, assuming the investigation into those cases is complete.

6. During the Committee's interviews of CCB employees, former employees, Board members, and former program participants, it learned of additional incidents involving sexual misconduct. The Committee interviewed eight separate witnesses concerning alleged incidents involving sexual misconduct at CCB. Those witnesses

addressed 16 separate incidents. The investigation into those allegations is not yet complete. The Committee intends to report findings related to those allegations and to the currently pending Code of Conduct cases in its final report.

7. One of the pending cases at CCB involves an allegation of misconduct that occurred when the alleged victim was a minor.

C. BLIND, Inc.

1. Of the 60 Code of Conduct complaints submitted to the External Investigator, three concern alleged conduct at BLIND, Inc. These complaints address two separate incidents and involve two separate respondents.

2. None of the reports the External Investigator has issued to date concern incidents at BLIND, Inc. The Committee's final report will provide an update to reflect additional reports issued by the External Investigator.

3. There were no cases involving allegations of sexual misconduct at BLIND, Inc. that proceeded through the Code of Conduct process prior to the NFB's retention of the External Investigator.

4. Thus, to date, there has been no finding of a Code violation involving allegations of sexual misconduct at BLIND, Inc.

5. In our interviews, we learned of additional incidents involving alleged sexual misconduct at BLIND, Inc. The Committee interviewed six separate witnesses concerning alleged incidents involving sexual misconduct at BLIND, Inc. Those witnesses addressed ten separate incidents. The investigation into those allegations is not

yet complete. The Committee intends to report findings related to those allegations and to the currently pending Code of Conduct cases in its final report.

6. There are no known complaints of sexual misconduct at BLIND, Inc. that involved a minor.

D. Preliminary Recommendations for All NFB-Affiliated Training Centers

1. Customized protocols for responding to allegations of sexual misconduct – particularly against a current employee or current program participant – should be developed for the training centers, consistent with the requirements of the Code.

2. Those protocols should require that directors notify the members of their Board about incidents involving sexual misconduct.

3. Those protocols should also require that directors handle allegations of sexual misconduct directly. Directors should not delegate the handling of sexual misconduct allegations to other supervisors or staff members.

4. Training center staff members should be required to promptly report allegations of sexual misconduct directly to the director.

5. Parents of minors in the youth summer training programs should be notified of any concerns relayed to any supervisor concerning relationships with counselors or other students or any incident involving an allegation of sexual misconduct.

6. Training centers should share information with other training centers, the national organization, and the NBPCB, concerning allegations of sexual misconduct

against employees and apprentices and the results of the investigations into those allegations.

7. Training centers must be aware of the mandatory reporting laws in their jurisdiction and adhere to them. If mandatory reports are made, they must be shared with the national office.

8. Training centers should incorporate training for employees, apprentices, and counselors (volunteer or employee) concerning boundaries in a professional setting and the power imbalance between instructor and student, even if both are adults.

E. Other NFB-Sponsored Trainings and Events

A significant portion of the claims of sexual misconduct that have been raised concern incidents at state and national conventions and other NFB-sponsored trainings and events. Eleven incidents of sexual misconduct at state and national conventions and 16 incidents of sexual misconduct in conjunction with other NFB-sponsored trainings and events were raised in interviews. Of the pending Code of Conduct complaints, 13 involve allegations of sexual misconduct at a convention or seminar. In seven of those complaints, the External Investigator found a violation of the Code. The Committee intends to report findings related to these allegations and pending complaints in its final report.

F. Preliminary Recommendations Related to Conventions and Seminars

1. Participants at conventions and seminars should be reminded of the importance of observing boundaries and understanding the nature of consent, even in – indeed, especially in – a celebratory atmosphere.

2. Leaders entrusted with positions on prestigious committees should be reminded of the power inherent in the position and the responsibility not to abuse it.

3. Members entrusted with the role of representing the national organization at state conventions should be reminded of the power inherent in such a role and the responsibility not to abuse it.

4. Protocols for the interaction between Scholarship Committee members and mentees should be developed.

VI. SPECIFIC FINDINGS AND RECOMMENDATIONS RELATING TO NFB'S PROCESSES FOR ADDRESSING SEXUAL MISCONDUCT COMPLAINTS

A. External Investigator

1. The NFB's process for responding to allegations of sexual misconduct was greatly improved by the NFB's decision to engage an External Investigator to investigate sexual misconduct claims submitted through the Code process, to make factual findings, and to recommend disciplinary actions in cases where the External Investigator determines that a Code violation has occurred.

2. In addition to demonstrating a serious institutional commitment to this subject, engaging a neutral third-party External Investigator instills confidence in the investigative process and substantially reduces the possibility that outcomes of investigations will be affected by favoritism, political considerations, or relationship biases. The Committee considered, but did not find any evidence to support, the possibility that NFB members may be reluctant to report incidents of sexual misconduct

or abuse due to perceptions of conflicts of interests or vested personal or economic interests on the part of Board members. The Committee notes, however, that utilization of the External Investigator alleviates this potential concern.

3. Utilizing a professional External Investigator (instead of various, rotating panels of lay Board members) will promote consistency of outcomes.

4. The External Investigator is a highly-qualified lawyer with experience in representing victims of workplace discrimination and other civil rights violations and conducting internal investigations on behalf of employers and other organizations. The External Investigator has no prior relationship with the NFB. As such, constituents can be reassured that sexual misconduct complaints will be investigated objectively.

5. To date, the External Investigator has issued 13 reports. The reports are thorough and based on the External Investigator's investigation. Each report contains detailed findings of fact based on the External Investigator's interviews of witnesses and review and assessment of information relevant to the allegations. Wherever possible, the External Investigator interviews the complainant, respondent, and any witnesses. When the External Investigator has determined that a violation of the Code occurred based on allegations of sexual misconduct, the reports have recommended disciplinary actions that include expulsion from the NFB, suspension, and conditions (*e.g.*, enrollment in substance-abuse program).

RECOMMENDATIONS (External Investigator):

1. The External Investigation process should become and remain a permanent part of the Code.

2. If the current External Investigator resigns or is terminated, the NFB should engage a successor External Investigator with similar experience and no ties to the NFB.

3. When a Code complaint is submitted, the External Investigator should be among those persons who always directly receive the original (unedited) complaint (regardless of format, *e.g.*, written complaint in paper or electronic format; telephone message). This will ensure that the complainant's account of the facts and circumstances were not filtered in any way. It also ensures accountability by making the NFB and the External Investigator aware at the same time that a complaint has been submitted.

STATUS: Adopted by the NFB.

B. Code of Conduct

1. The adoption of the Code was an important step by the NFB in response to concerns about sexual misconduct within the organization.

2. The Committee observed that the Code can be improved in the following respects:

i. Uniform Application of Code

1. The Committee finds that application of the Code and its investigatory procedures has been inconsistent across all NFB entities, including affiliates, divisions, chapters, and affiliated training centers.

2. Uniform application of the Code is critical to preventing sexual misconduct within the organization.

RECOMMENDATIONS (Uniform Application of Code):

1. The Code and its associated investigatory procedures should be amended to explicitly apply to all NFB affiliates, divisions, chapters, affiliated training centers, events, and activities.

2. The Committee recognizes that the NFB-affiliated training centers will be subject to a standardized response protocol that is being developed specifically for the training centers, given their unique circumstances. Thus, the Committee recommends that the Code be amended to clarify that, while training centers are obligated to take prompt action consistent with the applicable standardized response protocol, they also remain obligated to report incidents of sexual misconduct through the Code of Conduct process.

STATUS: Pending.

ii. Failure to Comply with Disciplinary Process and Decision Constitutes Violation of Code

To ensure the effectiveness of the investigatory procedures outlined in the Code and the protection of survivors and the NFB membership, it is imperative that all leaders and members of any NFB entity, including affiliates, divisions, chapters, and affiliated training centers, comply with the disciplinary process throughout the course of an investigation and any disciplinary action imposed at the conclusion of an investigation.

RECOMMENDATIONS (Non-Compliance with Disciplinary Process and Decision Constitutes Code Violation):

The Code should be amended to explicitly state that it is a Code violation for any person to fail to comply with the disciplinary process, including the prohibition of a

respondent's participation in Federation activities, as set forth more fully in Section VI.G below, throughout the course of an investigation and with any disciplinary action imposed at the conclusion of an investigation.

STATUS: Pending.

iii. Waiver of One-Year Filing Period

1. The Code requires complaints to be filed within one year of the alleged violation.

2. The Committee finds that a one-year period is overly restrictive in the context of sexual misconduct.

3. Upon the recommendation of the Committee on January 29, 2021, the NFB waived the one-year period to allow people to file complaints of sexual misconduct occurring more than one year ago.

4. As a result, many complaints about sexual misconduct that would have otherwise been untimely or occurred before adoption of the Code have been and can be fully investigated.

RECOMMENDATIONS (Filing Deadline):

1. The Code should be amended to replace the one-year period for submitting sexual misconduct complaints with a three-year period and, in the case of a minor at the time of the alleged misconduct, the three-year period should commence when the person reaches the age of majority. In the absence of extenuating circumstances, complaints filed after the three-year period has elapsed will be deemed untimely.

2. No later than September 1, 2021, the NFB should publicly notify membership of the new three-year period which will go into effect on January 1, 2022. Notwithstanding that the time for filing will be extended, the NFB's public notice should encourage reporting as soon as possible after the alleged incident, explaining that the benefits of doing so include: (1) helping to prevent recurring or future violations; (2) enabling the NFB and the External Investigator to address the allegations as expeditiously and effectively as possible; and (3) minimizing the risk that evidence will become lost and memories will fade over time.

STATUS: Pending.

iv. Appeal Procedures

1. The provision describing appeals states:

Any person dissatisfied with the resolution of a complaint may file an appeal with the National Federation of the Blind Board of Directors, which may, in its discretion, take such action as it deems necessary. No national board member shall participate in the consideration of an appeal under this Code if such board member is the subject of the complaint or if such board member cannot be unbiased, impartial, and fair while considering the matter.

See Code at § IV. This provision applies to appeals of the resolutions of any complaint of a Code violation (not just sexual misconduct claims).

2. The Committee has identified the following areas for improvement in the current appeal provision:

a. **Standing to Appeal.** The language "[a]ny person" is too broad and gives the impression that any member of the NFB who wants to appeal may do so. The

right to appeal should be limited to the parties who are directly affected, *i.e.*, complainants and respondents.

b. **Appeal Deadline.** The current provision does not provide a deadline for filing an appeal. A reasonable deadline for the submission of appeals will promote the interests of finality and closure.

c. **Appeal Procedures.** The provision contemplates that the entire NFB Board will hear appeals. This seems cumbersome and may be logistically difficult to schedule given that the entire Board will need to convene to hear appeals. Further, it makes it even less likely that confidentiality will be afforded the parties and witnesses. The Committee believes appeals should be heard in panels of three disinterested (neutral) Board members ("Appeal Panel") (discussed below).

d. **Standard of Review.** The appeals provision does not set forth the standard of review. An important consideration in any appeal is the standard of review to be applied by the body hearing the appeal. The Code provides that the Board "may, in its discretion, take such action as it deems necessary." This language is very broad and suggests that the Board has wide-open discretion to change a determination. The Committee believes it would be useful to better define the standard of review for appeals arising out of decisions made based on the External Investigator's findings so that future Board members have clear guidance on how to resolve appeals.

In the interests of efficiency, finality of determinations, and avoiding re-traumatization of survivors, it does not seem desirable to give an appellant a "retrial" or "do over." Given the constraints of time and resources, it is not practical or preferable for

an appeal to function as a second trial where evidence is presented anew and a decision rendered without regard to the President's decision. At the same time, however, an appeal cannot be a rubberstamp of the President's decision.

An important consideration is the fundamental policy reasons for the NFB's decision to engage an External Investigator to investigate complaints, make factual findings, and recommend disciplinary actions, if any, based on those factual findings. In this regard, the External Investigation process demonstrates to members that the NFB is serious about addressing complaints in a professional, unbiased, and thoughtful manner. The external investigation promotes trust and addresses the concern that the organization might have an institutional bias against finding wrongdoing, particularly if the respondent is otherwise well-respected and well-connected within the organization. It may undermine the independence of the External Investigator if the External Investigator's factual findings and recommendations are not afforded a healthy degree of deference on appeal.

Based on these considerations, the Committee believes that the principal purpose of an appeal should be to determine whether the disciplinary action taken or not taken was manifestly unjust. As examples, if the initial determination is arbitrary, capricious, or the result of an abuse of authority or corruption, then the Appeal Panel should correct the outcome. However, if the initial decision is within the bounds of fairness and reasonableness (even if the Appeal Panel might not have rendered the same decision in the first instance), the decision should be respected. Thus, in the absence of extenuating circumstances, the Appeal Panel should not: launch a new investigation; revisit factual

findings made by the External Investigator; hear new evidence; or substitute its own judgment for that of the External Investigator and President. Instead, the objective should be to protect the integrity of the process and correct obvious injustices.

e. **Record on Appeal.** The provision is silent with respect to what constitutes the record on an appeal. The Committee believes that the record available to the Appeal Panel on appeal, absent extenuating circumstances, should be limited to the President's correspondence to the parties concerning his determination and the report of the External Investigator. In the discretion of the Appeal Panel, the External Investigator's report may be made available to the parties. Likewise, we do not believe that appeals should include hearings.

RECOMMENDATIONS (Appeals):

1. Based on the above findings, the Committee recommends the following revisions to the Code's appeals provision:

A respondent or complainant dissatisfied with the decision and/or resolution of a sexual misconduct complaint may file an appeal with the National Federation of the Blind Board of Directors. Absent extenuating circumstances, an appeal must be filed within 30 days of the date of the President's determination. An appeal letter shall contain a full and detailed explanation of the reasons for the appeal. The appeal will be heard by a panel of three disinterested national board members ("Appeal Panel") to be randomly selected from among willing members on an as-needed basis for each appeal. The President will not be a member of the Appeal Panel. The Appeal Panel shall notify the appellee that an appeal has been filed, and the appellee shall have 30 days from such notice to submit a response in support of the President's determination or otherwise setting forth the appellee's position on the appeal. No national board member shall participate in the consideration of an appeal under this Code if such board member is the subject of the complaint or if such board

member cannot be unbiased, impartial, and fair while considering the matter.

The principal purpose of an appeal is for the Appeal Panel to determine whether the disciplinary action taken or not taken was manifestly unjust. In the absence of extenuating circumstances, the Appeal Panel will not initiate a new investigation; revisit factual findings made during the underlying investigation; conduct hearings; or hear new evidence. Unless to correct a manifest injustice, the Appeal Panel will not substitute its own judgment for that of the President. Consistent with the foregoing principles, the Appeal Panel may impose new, different, fewer, more, less severe, or more severe disciplinary actions than those imposed by the President. A decision by a majority of the members of the Appeal Panel will constitute the final, unappealable decision in the matter.

Absent extenuating circumstances, the record on appeal available to the Appeal Panel is limited to the President's correspondence to the parties concerning the President's determination and the report of the external investigator. The Appeal Panel, in its discretion and based on the particular arguments made on appeal, may in the interests of justice and fairness permit a party to have access to the external investigator's report, provided the Appeal Panel, in consultation with the external investigator, takes due care to impose appropriate protections to safeguard against disclosure of the identity of any person mentioned in the report who expressed a wish to remain anonymous to persons other than the external investigator. Such protections may include, but are not limited to, redactions to the report of those portions that might reveal, whether as a result of the report's disclosure of dates, locations, or specific events, transactions, or communications, the identity of complainants or witnesses.

2. Before serving on an Appeal Panel, the Board member will be required to attend a training course that addresses the role, responsibilities, and requirements of the position.

STATUS: Pending.

v. Deceased or Non-Member Respondent

1. The Committee addressed concerns about complaints alleging sexual misconduct by a deceased person or a person who is no longer a member of the NFB.

2. In such a scenario, the question is: what is or can be done if a person, now deceased or no longer affiliated with the NFB, is found to have engaged in sexual misconduct?

RECOMMENDATIONS (Deceased or Non-Member Respondent):

1. The Code should be revised to make clear that the NFB is authorized to investigate a complaint of sexual misconduct notwithstanding that the respondent is deceased or no longer a member of the NFB.

2. The Committee recommends that the External Investigator be permitted to authorize disciplinary actions in such circumstances, *e.g.*, ban on reinstatement to the NFB (in the case of person who is no longer affiliated); posthumous suspensions or expulsions (in the case of deceased respondents); precluding naming rights (*e.g.*, no scholarship or awards named after the person) or other means of elevating or honoring that individual.

STATUS: Pending.

vi. Non-Automatic Reinstatement to Good Standing Following Probation Period or Suspension

1. The Committee finds that a respondent who was placed on probation or suspended should not be permitted to immediately re-join the organization or return to good standing without confirmation by the NFB that all terms of probation or suspension

have been completed or that no other Code violations have occurred since the discipline was imposed.

2. Additionally, the Committee finds that a complainant should be afforded notice that the respondent's probationary period or period of suspension is coming to an end and an opportunity to provide the NFB with information concerning any violations of the probation or suspension, or new violations of the Code.

3. Once the NFB has made a determination regarding a respondent's status, the Committee finds that the President should provide formal notice to the respondent that: (1) the probation has been satisfied or the suspension period has ended; and (2) respondent may reapply to have membership reinstated; OR, in the case of a violation of probation or suspension or other Code violation, the probation or suspension will continue.

RECOMMENDATIONS (Non-Automatic Reinstatement to Good Standing Following Probation Period or Suspension):

1. The Committee recommends that the Code be amended to state that respondents must affirmatively seek reinstatement upon the conclusion of a probationary period or a period of suspension.

2. The Code also should be amended to require that a complainant be given 30 days' notice prior to the end of the respondent's probationary period or period of suspension and an opportunity to provide information as to why the respondent should not be reinstated.

3. The Code should be further amended to provide for formal notice to a respondent of his or her status upon the completion of a probationary period or a period of suspension, as described above.

STATUS: The recommended revisions to the Code are pending. However, the tracking tool adopted by the NFB and described in Section VI.F below incorporates these recommendations.

vii. Communication Strategy Regarding Code Complaint Process

1. The Committee finds that NFB members may still need more information regarding the Code complaint process and how to access and utilize it.

2. The Code complaint process is critical to detecting and preventing sexual misconduct within the organization. Thus, it must be communicated clearly and made accessible to all members.

RECOMMENDATIONS (Communication Strategy Regarding Code Complaint Process):

1. The NFB should improve its communication strategy concerning the Code complaint process and offer support and resources to members who wish to file a complaint. Examples of such resources may include: instructional step-by-step videos or podcasts or a complaint process checklist published on the NFB website.

2. Furthermore, the Committee recommends that there be required training or informational sessions on the Code and the complaint process at leadership trainings or presidential retreats to ensure that Federation leaders remain current on these issues.

STATUS: Pending.

C. National and Affiliate Constitutions

1. The Committee has identified a potential concern that individuals who have been expelled from the organization as a result of a finding of a Code violation may attempt to become reinstated to the organization via an affiliate convention.

2. The Committee finds that the lack of an explicit provision addressing this issue in the national Constitution and the affiliate Constitutions could create an unintended avenue that is inconsistent with the intent of the Code.

RECOMMENDATIONS (National and Affiliate Constitutions):

1. The Committee recommends that the national Constitution, all affiliate Constitutions, and any other Constitutions referencing expulsions be updated to explicitly state that the Code of Conduct, and any expulsion imposed pursuant to it, controls.

2. Although the Board has adopted the Code and all amendments thereto, the national Constitution should also be amended to include provisions stating: (1) that the President or a member of the Board (if the President is conflicted) may expel an individual based on a finding by the External Investigator of a Code violation without obtaining Board approval; and (2) that the President or another member of the Board (if the President is conflicted) may impose other discipline up to and including expulsion. In either instance, the Constitution should make clear that the respondent may only follow the appeal process outlined in the Code.

STATUS: Pending.

D. Communications with Parties Regarding Sexual Misconduct Investigations

1. The NFB did not have a standard set of letters to complainants and respondents notifying them of the outcome of investigations of complaints of sexual misconduct.

2. Standardized communications promote transparency and are important for keeping the parties informed of the outcome. In addition, standardized communications promote consistency.

RECOMMENDATIONS (Standardized Communications):

At the Committee's recommendation on February 25, 2021, the President adopted a standardized approach to written communications to complainants and respondents that fully apprise the parties of the External Investigator's findings and any disciplinary action imposed by the President in response to complaints of sexual misconduct.

STATUS: Adopted by the NFB.

E. Notification to Complainants, Respondents, and Leaders of Disciplinary Action and Status Changes

1. The Committee found that the NFB can improve its processes for notifying complainants, respondents, and appropriate leaders at designated points during the process.

2. With respect to notice, the Committee finds that a major concern among survivors of sexual misconduct is not being kept informed of the process and results after a complaint has been made or as the respondent's status changes, *e.g.*, the end of a suspension period, compliance or noncompliance with training requirements. Likewise,

the Committee finds that there were instances prior to the implementation of the Code in 2018 in which persons found to have engaged in sexual misconduct continued to hold leadership positions without that person's supervisor or governing entity being aware of the situation.

RECOMMENDATIONS (Standardized Letters for Status Notifications):

Based on these concerns, the Committee proposed that standardized communications be sent to complainants and respondents at key times, *e.g.*, near the end of a suspension, upon respondent's successful completion of mandated action, such as training, *etc.*

STATUS: Adopted by the NFB. The Committee prepared the standard communications and advised the President. The President has adopted the notification communications and process and it is being used. As the standard communications are being implemented, they are being refined where necessary. As discussed further in Section VI.G below, the Committee has also recommended the utilization of standard communications when a person is under investigation for specific Code violations.

RECOMMENDATIONS (Standardized Notification to Leaders Concerning Suspension and Expulsion):

Based on these concerns, the Committee recommended that communications be sent to nationwide leadership who either have a role in implementing the disciplinary actions or, given their particular roles, are in a position to mitigate risks of harm associated with the disciplined person's activities within the organization. The Committee developed a list of the potential leader titles/positions who meet that criteria

for receiving standardized notice communications (the language of which was proposed by the Committee) at two delineated time periods: 1) when a decision has been made and communicated to the parties implementing suspension or expulsion; and 2) upon the expiration of the appeal period or the issuance of an appeal decision, if an appeal is requested.

STATUS: Adopted by the NFB. The recommendations set forth above are being implemented.

F. Tracking and Monitoring Compliance with Disciplinary Action

1. The Committee found that the NFB can improve its processes for tracking complaints of sexual misconduct and monitoring compliance with any disciplinary actions imposed by the President in response to such complaints.

2. With respect to notice, the Committee finds that improvements are possible to the tracking and accountability process concerning implementation and monitoring of discipline.

RECOMMENDATIONS (Tracking Tool):

Based on these findings, the Committee developed a comprehensive tool (in spreadsheet format) to improve the NFB's processes to better document, implement, and monitor disciplinary actions. The tool addresses the following tasks and procedures (among others):

- a. Documentation of specific disciplinary actions imposed and applicable timeframes;

- b. the timing and identification of the universe of potential stakeholders (*e.g.*, NFB Board, local affiliates, relevant supervisors, training centers) to receive notice of a person's suspension, probation, or expulsion for sexual misconduct;
- c. key administrative tasks (*e.g.*, calendaring of probation and suspension periods or deadlines; removal of a respondent's name from list serves and mailing lists);
- d. tracking compliance with any conditions of probation; and
- e. the respondent's successful completion of mandated action such as training, *etc.*

STATUS: The Committee delivered the tool to the President on March 31, 2021. The President has adopted the tool and it is being used. As the tool is being implemented, it is being refined where necessary.

G. Mitigating Risk

A major concern raised by stakeholders is the risk that an expelled or suspended individual who is barred from participating in NFB activities may circumvent that disciplinary action by engaging in activities at chapters or locations different from where the violation occurred. Stakeholders were concerned that individuals who were named respondents in certain sexual misconduct Code matters but whose matters were not yet adjudicated could harm others if permitted to participate in NFB activities. The Committee finds that proactive measures should be taken for the protection of members.

RECOMMENDATION (Mitigating Risk – Website):

To further promote the interests of transparency and to improve notice procedures, the Committee further recommends that the NFB maintain a public facing website (or webpage) that identifies all persons "NOT IN GOOD STANDING" as a result of having been suspended or expelled from the NFB for any violation to the Code including but not limited to sexual misconduct. The Committee recommends that no other information be listed other than the name of the individual and the date upon which the individual was determined to be "not in good standing" for a violation of the Code. The Committee carefully considered alternative approaches to ensuring that individuals with a need to know the status of members could receive the information in other ways and ultimately determined that a public facing website page was both necessary and the only practicable solution. This is due to the size of the organization, including 52 affiliates, more than 500 local chapters, and thousands of events and activities each year. The Committee determined that the NFB did not have the infrastructure or ability to implement a restricted location for this information where it could be easily accessible for those who need the information.

STATUS: Pending.

RECOMMENDATION (Mitigating Risk – Respondent's Status During Pending Investigation of Egregious Allegations and Notice to Others in Such Cases):

1. The Committee recommends that the following policy be adopted: Any leader, member, employee, contractor, program participant, or program applicant who is under investigation for a Code violation that involves: 1) rape, stalking, or other violent

sexual acts; 2) unwanted physical, written, or verbal contact of a severe or pervasive nature; or 3) any misconduct of a sexual nature involving a minor will be notified that they are prohibited from participating in any Federation activities and programs while the investigation is pending. The External Investigator will make a determination as to whether a matter meets one or more of these criteria.

2. The Committee recommends that the respondent's status should be altered and the respondent notified of the change in status pending the outcome of the investigation.

3. The tracking tool should be revised to permit notice to appropriate stakeholders, as determined by the President after consultation and guidance from the External Investigator, that a person is being investigated and has been placed on such status. A communications strategy should be developed to provide relevant individuals (*i.e.*, individuals having a role in implementing the disciplinary actions; or individuals who, given their particular roles, are in a position to mitigate risks of harm associated with the respondent's activities within the organization) notice of the prohibition on participation and an update on the respondent's status once the complaint has been adjudicated. The Committee developed a list of the potential leader titles/positions who meet the criteria for receiving such notice communications.

STATUS: Pending.

H. Information Sharing Between NFB Entities and External Partners

1. Information sharing between NFB entities and external partners (*e.g.*, NBPCB) concerning sexual misconduct complaints and disciplinary actions (including employment-related discipline) has not been consistent and should be improved.

2. The Committee has found several instances in which employees and/or individuals with certification(s) alleged to have engaged in sexual misconduct at one entity have moved to and secured employment at another entity due to the lack of information sharing among NFB entities and external partners.

3. Sharing information about such matters is critical because entities and external partners, such as NBPCB, need to be aware of allegations in order to assess whether an individual may maintain their employment or certification(s).

RECOMMENDATIONS (Information Sharing):

1. The Committee recommends that the NFB assess the information-sharing policies it has in place between the NFB, its affiliates and divisions, and the affiliated training centers and similarly with the NBPCB, and update those policies in a manner consistent with ensuring that information about incidents involving sexual misconduct will be shared. The Committee understands that the NFB and NBPCB have already executed an agreement that clarifies and amends the information sharing procedure between the entities. The Committee also understands that the NFB is executing a similar agreement with its affiliated training centers and that such agreement is to be executed in advance of the 2021 National Convention. The Committee supports these actions.

2. The Committee recommends having volunteers and employees sign releases consenting to sharing of information that bears directly on a person's qualifications, moral character, fitness, and certification.

STATUS: The first recommendation has been adopted by the NFB. The second recommendation is pending.

I. Mandatory Reporting

1. Different jurisdictions have their own requirements for reporting sexual abuse to law enforcement or other appropriate government agencies.

2. The reporting requirements in one state may be different from those of another state.

3. The Committee believes that it is critical that leadership at the national level and members of leadership of local entities and training centers understand the mandatory reporting requirements applicable in their particular jurisdiction.

RECOMMENDATIONS (Mandatory Reporting):

1. Leadership at the national level and within each local affiliate and training center should receive formal training on the mandatory reporting requirements applicable within their particular jurisdiction.

2. The NFB should assist local affiliates in arranging for training sessions.

3. Local affiliates and training centers should also notify the national office when they make mandatory reports in their particular jurisdictions and share those reports with the national office. The national office should track all mandatory reports received from local affiliates and training centers.

STATUS: Pending.

J. Internal Reporting Requirements by Leadership

1. There is confusion among members in leadership positions or executive-level positions as to whether and under what circumstances to report concerns about sexual misconduct.

2. For example, a leader or executive may be unsure what to do when a complainant notifies the leader/executive of an allegation but the complainant desires to remain anonymous or is uncomfortable coming forward with a formal complaint under the Code.

RECOMMENDATION (Internal Reporting Requirements by Leadership):

The Committee prepared a formal policy to address such concerns and provided it to the President.

STATUS: Adopted by the NFB. The policy, titled the Responsible Leaders Obligations Document, has been published on the NFB website. *See* <https://nfb.org/about-us/history-and-governance/code-conduct/guidance-obligations-elected-leaders-share-critical>.

K. Investigation of Leadership in Response to Alleged Failure to Respond

1. The Committee finds that allegations of sexual misconduct frequently have two interrelated aspects. The first is the misconduct itself by the alleged perpetrator. The second is whether leadership's response to the complaint is timely and adequate.

2. With respect to the first aspect (the alleged misconduct itself), the Committee believes that the implementation of the foregoing recommendations

(including the continued engagement of the External Investigator and the recommended revision to the Code) will greatly improve how complaints of sexual misconduct are handled, investigated, processed, and perceived.

3. With respect to allegations concerning the second aspect (the sufficiency of leadership's response to a complaint), the Committee believes improvements can be made. The Committee believes that, because sexual misconduct should never be tolerated, the failure of leadership to respond to a complaint of sexual misconduct should, likewise, not be tolerated.

4. To the extent the Code is not clear on this point, it should be revised to make clear that a leader's failure to adequately respond to an allegation that a person has engaged in sexual misconduct is itself a Code violation and will be investigated by the External Investigator with authority to recommend disciplinary actions.

5. In the course of its investigation, the Committee became aware of several instances that raised concerns about whether one or more members of leadership failed to adequately respond (for ease of reference, "Possible Leadership Failures").

RECOMMENDATIONS (Possible Leadership Failures):

1. The Code should be revised to expressly provide that it is a Code violation for any member of leadership (*e.g.*, the NFB President or officer; any president or Board of a state affiliate; the director or Board of any training center; and any Responsible Leader, defined as any national Board member, affiliate Board member, local chapter or division Board member, national division Board member, and NFB employee, including

employees of affiliated training centers) to fail to respond timely and appropriately to a complaint of sexual misconduct.

2. The revision should provide that any such allegation will be investigated by the External Investigator.

3. The External Investigator, upon a finding of a violation, should have authority to recommend disciplinary action commensurate with the violation.

4. With respect to Possible Leadership Failures that predate implementation of the first recommendation above (including any raised between December 2020 through the issuance of this interim Report and forthcoming supplemental report(s)), the Committee and External Investigator have agreed that those matters should be investigated by the Committee. In this regard, because witnesses and complainants have affirmatively approached the Committee to bring such matters to the Committee's attention, and because those matters have been thoroughly investigated as part of its assignment, the Committee has determined that it will complete the investigation of those specific matters.

STATUS: Pending.

L. Standardized Response Protocol and Processes for Addressing Sexual Misconduct Complaints at Training Centers and Affiliates

The training centers and local affiliate boards are not subject to a standardized protocol for responding to complaints of sexual misconduct.

RECOMMENDATION (Standardized Response Protocols for Training Centers and Affiliates):

On June 12, 2021, the President and the Board instructed the Committee to begin developing standardized response protocols for training centers and affiliates. To do so, the Committee will utilize the response protocols developed by RAINN for the NFB and its affiliates as guidance.

STATUS: Pending.

M. Standardized Protocols for Working with Minors

1. On June 10, 2021, the Board adopted the Youth Program Participant Protection Policy, which acknowledges "the importance of protecting all individuals especially minors that participate in programs controlled by the [NFB]" and establishes requirements designed to ensure protection of minor participants in Federation programs and activities. The policy mandates screening of program workers, as well as training and education programs for all program workers. The policy also establishes procedures for supervision of program participants and workers, communications with parents or guardians of program participants, and reporting allegations of abuse.

2. The Committee supports the Board's decision to establish and implement the Youth Program Participant Protection Policy.

N. Continued Outreach to and Partnership with Survivors

1. The Task Force has been an invaluable resource to NFB leadership and to the Committee.

2. Survivors bring a valuable perspective to this important issue, including constructive ideas, proposals, and solutions.

RECOMMENDATIONS (Continued Outreach with Survivors):

The Committee recommends that the NFB continue to engage with survivors and that a survivors affinity group be created within the NFB. We recommend that this affinity group replace the Task Force and be responsible for serving in an advisory role and as a resource to NFB leadership. The Committee recommends that the membership of the survivors affinity group determine its chairperson just as any other affinity group within the NFB.

STATUS: Pending.

O. Complaints Made Outside of the Formal Code of Conduct Process

1. During the course of the investigation, consistent with the Committee's statement published on April 30, 2021, several survivors gave interviews to counsel for the Committee without making a formal Code complaint. See <https://nfb.org/programs-services/safety-support/letter-nfb-community-special-committee>.

2. As a result, the Committee's counsel learned of matters that merit investigation and are appropriate for the External Investigator's process. However, several survivors do not wish to make formal Code complaints because they are reluctant to be interviewed all over again (*i.e.*, once by counsel for the Committee and again by the External Investigator). In this regard, the Committee recognizes that the recounting of one's experience being sexually assaulted or violated can be emotionally traumatic and, understandably, the survivor may not want to go through that again.

3. At the same time, these matters are serious and should be investigated.

RECOMMENDATIONS (Complaints Outside of Formal Code of Conduct Process):

1. Subject to the survivor's consent, counsel for the Committee should make its investigative materials available to the External Investigator to conduct a formal independent investigation of each matter.

2. To avoid re-traumatizing a survivor who already went through the emotionally difficult process of providing a detailed interview to counsel for the Committee, the External Investigator need not (and should not) re-interview the survivor if that is the survivor's preference. Instead, the External Investigator may rely on the Committee's counsel's interview materials in rendering a report and recommendation.

STATUS: Pending.

P. Policy Considerations

1. During the course of its assignment, several policy issues emerged as being appropriate for discussion with the NFB.

2. Given the political and/or philosophical nature of these issues, the Committee does not believe that it is the appropriate body to resolve these issues. Nevertheless, the issues do implicate the subject of particular instances of sexual misconduct and, therefore, should be identified in this Report.

i. Training Centers

1. In connection with complaints arising out of training centers, survivors have expressed the concern that the structured discovery training model and approaches

used at the centers and similar programs may have unintended consequences of enabling abusers and chilling a person's willingness to report abuse or misconduct. The Committee makes no comment other than to underscore that the Committee recognizes that structured discovery is not in and of itself an overly harsh or nonflexible method of training and that it is the underpinning of the NFB philosophy for providing and receiving appropriate and effective training. Nevertheless, the Committee recognizes that certain individuals may employ the structured discovery model inappropriately, with consequences that are inconsistent with the goals of structured discovery.

2. The Committee recognizes the unique circumstances (including power dynamics) that confront residential training programs and instructors, particularly cane travel instructors and their students. The Committee also recognizes the critical work residential training program instructors, particularly cane travel instructors, do in equipping students with the skills and confidence to move about the world independently. Instruction should include discussions of appropriate boundaries for both instructors and students. The recruiting and hiring process for well-qualified instructors should emphasize that the positions require the highest degree of professionalism in the instructor-student relationship.

ii. Eligibility to Hold Leadership Positions if Previously Disciplined for Sexual Misconduct

Survivors have expressed concerns that people who were disciplined for sexual misconduct could potentially hold positions of leadership or other positions of responsibility after satisfying the conditions of any imposed disciplinary actions.

RECOMMENDATIONS (Eligibility to Hold Leadership Positions):

1. The Committee recommends that the NFB adopt a formal policy that provides that a person found to have engaged in sexual misconduct with a penalty of expulsion shall never hold office or a leadership position.

2. With regard to a person found to have engaged in sexual misconduct with a penalty of suspension, the Committee recommends that, moving forward, the External Investigator provide a recommendation regarding future leadership positions.

STATUS: Pending.

Q. Conflict of Interest

1. There is a perception that Board members, members of leadership, and other executive-level representatives may have real or apparent conflicts of interest that should preclude them from involvement in compliance or disciplinary matters regarding sexual misconduct complaints.

2. Examples include: investigations, appellate deliberations, personnel decisions, and the monitoring of a respondent's compliance with conditions imposed as part of disciplinary actions against the respondent.

RECOMMENDATIONS (Conflict of Interest Policy):

The NFB should adopt a conflict of interest policy that addresses when it becomes necessary or advisable for NFB leaders to recuse themselves from such matters, *e.g.*, in the case of a close personal relationship with a party or an appearance of a conflict of interest. The Committee further notes that a number of leaders in various jurisdictions hold multiple positions with multiple duties. The Committee takes no position on

whether this is appropriate but suggests that the Federation will benefit from involving additional members in leadership positions so as to access their talents, diverse backgrounds and experiences, and bandwidth.

STATUS: Pending.

R. Regular Training

1. The Committee supports the NFB's decision to engage RAINN to provide training and professional recommendations as to response protocols, policies, and procedures, and other best practices for addressing sexual misconduct.

2. The Committee is aware that RAINN is a highly-regarded resource on this subject.

RECOMMENDATIONS (Training):

1. The Committee recommends that the NFB continue to engage RAINN to provide training modules for leadership and interested members on a regular basis.

2. In addition to RAINN training, the Committee recommends that state presidents and members of state leadership should receive periodic comprehensive training on the provisions of the Code and their responsibilities and for newly elected leaders, within 60 days of their election.

3. Such training should be developed in accordance with guidance from RAINN and should consist of interactive components to ensure a meaningful, productive learning experience.

STATUS: Pending.

S. Encouraging and Augmenting Reporting of Misconduct and Obtaining Feedback

1. The Committee is aware that some individuals have expressed reluctance to report incidents of sexual misconduct for fear of facing retaliation.

2. The Committee has been advised that some members may be uncertain about to whom they should turn if they suspect a problem or have a concern relating to sexual misconduct.

3. As a result, a person may confide in people within the organization with whom they trust or with whom they feel comfortable. Often such confidants have no training or experience responding to serious abuse situations, which can potentially worsen the situation or result in the information not being reported through the Code process.

4. Relatedly, rank-and-file members may have concerns about sexual misconduct that implicate organizational/structural issues or policies. Members may have ideas for how to make improvements. For various reasons, these matters may never reach the highest levels of NFB leadership.

RECOMMENDATIONS (Encouraging/Augmenting Reporting):

1. As stated previously, the NFB should develop a communication strategy for reaching as many members of the community as possible with useful information pertaining to the Code procedures, anti-harassment policies, and reporting channels.

2. That strategy should evaluate for implementation technology permitting complaints to be submitted anonymously by email that would strip identifying

information from the sender's email and forward the correspondence to appropriate members of leadership and to the External Investigator.

STATUS: Pending.

T. Bifurcation of Sexual Misconduct Oversight and Policy Functions from Litigation, Governance, and Defensive Functions

The NFB legal program serves many vital functions for the organization, including litigation strategy, direction of systemic litigation, governance, and defensive functions. Due to the sensitive nature of sexual misconduct issues, the Committee finds that the NFB's litigation strategy, direction of systemic litigation, governance, and defensive functions should be separate and distinct from its sexual misconduct oversight and policy functions.

RECOMMENDATIONS (Bifurcation of Sexual Misconduct Oversight and Policy Functions from Litigation, Governance, and Defensive Functions)

1. The NFB should establish a policy that explicitly provides for bifurcation of sexual misconduct oversight and policy functions from litigation strategy, direction of systemic litigation, governance, and defensive functions.
2. As part of the bifurcation policy, the NFB should dedicate sufficient resources to support these distinct functions.

STATUS: Pending.

U. Support for Survivors

1. On June 10, 2021, the Board adopted a resolution establishing the SAFE Fund. If approved at the 2021 National Convention, the SAFE Fund will be funded with "an initial amount of \$250,000," which will serve "as a dedicated financial resource for

providing therapy support to survivors of incidents where the Federation's Code of Conduct is known to have been violated."

2. The Committee supports the Board's resolution, subject to approval of the National Convention, to establish and implement the SAFE Fund to provide survivors with financial assistance for therapy support.

V. Standing Oversight Committee

1. This Committee believes that there is more work to be done to combat and prevent sexual misconduct within the organization and continue moving the Federation forward.

2. A standing committee dedicated to oversight of sexual misconduct issues is critical to the Federation's continued progress.

RECOMMENDATIONS (Standing Oversight Committee):

1. Upon conclusion of the work of this Committee and issuance of the final report, we recommend that this Committee sunset and the NFB establish a standing committee to provide oversight to the Code complaint process on an annual basis.

2. The standing committee would assume the responsibilities of the original Code Development Committee, namely: reviewing data; recommending enhancements to the Code; reviewing sexual misconduct Code decisions and actions on an annual basis; reviewing allegations of failure of leadership to respond appropriately after the Code complaint process has concluded; and overseeing compliance with administration of Code procedures and related policies. The standing committee would not replace the

Code Development Committee in its duties to draft amendments to the Code or obtain Board approval for amendments.

STATUS: Pending.

VII. CONCLUSION

As noted, because the Committee's work is not complete, this interim Report will be followed by one or more supplementary reports. The Committee urges NFB leadership and, if adopted, the standing oversight committee, to periodically reevaluate the recommendations made in this Report and supplemental reports. In this regard, the Committee recognizes that there may be unforeseen challenges when recommendations are implemented in practice. Likewise, recommendations that seem reasonable at the time may prove to be unworkable or require modification as necessary.

Finally, the Committee expresses its sincere appreciation to all persons who agreed to be interviewed and who have contributed and are committed to the advancement of this discussion.

ADDENDUM

June 26, 2021

BY EMAIL [Officeofthepresident@nfb.org]

Mark A. Riccobono, President
National Federation of the Blind
200 East Wells Street
Baltimore, MD 21230

Re: SPECIAL COMMITTEE REPORT ON SEXUAL MISCONDUCT AND THE
NFB'S RESPONSE DATED JUNE 20, 2021 ("Report")

Dear Mr. President:

In response to your request for clarification concerning certain parts of the above-referenced interim Report, we wish to provide some clarification as described below.

You have asked whether the witness interviews described in Section IV revealed sexual misconduct by Dr. Schroeder occurring after his resignation in 2014. The Committee responds that the sexual misconduct described by such witnesses occurred before or during 2014.

You have asked the Special Committee to clarify the meaning of the term "national office" in Recommendation No. 7 on page 25, as the use of this phrase may cause confusion. The Special Committee clarifies that, if mandatory reports are made, they must be shared specifically with the Office of the President (or the President's designee). The term "national office" also appears on page 47, and the foregoing clarification applies there as well.

You have sought clarification concerning Section VI.L, which discusses standardized response protocols and processes for addressing sexual misconduct complaints at training centers and affiliates. That should have been limited to training centers in that, on June 12, 2021, you and the Board instructed the Special Committee to address such protocols and processes at the training centers. Additionally, you have since requested that the Committee review the response protocols that will be drafted by RAINN and advise the organization on additional strategies for responses that might be required to effectively implement the protocols in affiliates and local chapters. The Committee will be pleased to do so.

The Special Committee wishes to make an additional clarification. In Section IV, the Special Committee notes that Dr. Schroeder is identified by name, which might seem inconsistent with the statement in the Letter to the NFB Community from the Special Committee (posted on the NFB's website on April 30, 2021) that the Report "will not disclose the identity of transgressors or victims/survivors." To avoid any confusion or misunderstandings, the Committee wishes to affirmatively address this issue. Using a pseudonym or referring to Dr. Schroeder by reference to his position or titles were not viable options because, given the context

and background, his identity would have been self-evident. Likewise, employing redactions was not a feasible option because the redactions would have been extensive, thus stripping away all context and meaning and undermining the central purpose of this part of the Report. In the end, the Special Committee's considered judgment was to draft this section as it appears in the interim Report.

In addition, the Special Committee's use of names for other individuals in this Section was also unavoidable, as those individuals were leaders during the relevant time period. One primary purpose of the Special Committee's investigation was to assess whether the actions of the NFB, including its leaders, was sufficient and appropriate. Consequently, in our judgment it was necessary to disclose the names of those individuals.

Thank you for the opportunity to address the foregoing. In the interests of transparency and clarification, this letter appears as an addendum to the Report. For ease of reference, a copy of the Report with this letter addendum is attached. Prior to posting, the accessibility and specifically the ease of navigation will be reviewed and corrected, if needed.

Sincerely,

SPECIAL COMMITTEE

/s/

BY: Denise Avant, Tim Elder, Ronza Othman, and
Sharon Krevor-Weisbaum