
**SPECIAL COMMITTEE
FINAL 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](https://www.rainn.org).

I. INTRODUCTION

On June 20, 2021, the Special Committee ("Committee") issued its interim *Report on Sexual Misconduct and the NFB's Response* ("June 2021 Report"). The June 2021 Report noted that the Committee would issue a final report in the Fall of 2021 to address matters that were then still under review — namely, issues pertaining to: (1) the three NFB-affiliated training centers; (2) three state affiliates; and (3) NFB-sponsored events and meetings (*e.g.*, conventions, seminars, etc.). This Report addresses those matters.

As discussed in greater detail below, by virtue of its charge, the Committee spent hundreds of hours considering an enormous amount of information and interviewing a wide range of individuals regarding allegations of sexual misconduct. In the June 2021 Report, the Committee used the term "sexual misconduct" to refer to the allegations of sexual harassment, assault, and abuse that have been raised by survivors, allies, and witnesses. As defined by the Rape, Abuse & Incest National Network ("RAINN") and indicated in the NFB's latest draft of the Code of Conduct, "sexual misconduct" is a non-legal term used to describe a broad range of sexually inappropriate behavior, which may or may not be criminal, and which includes inappropriate jokes, inappropriate touches, gender-based bullying, sexual harassment, sexual assault, and rape. The Committee will continue to use this term in this Report. The Committee interviewed many survivors of sexual misconduct — some who have publicly talked about their experiences and others

who have preferred to remain anonymous. The Committee interviewed members of the community who alleged that leaders had not done enough in response to reports of sexual misconduct. Likewise, the Committee interviewed leaders who were the subject of that criticism. The Committee interviewed people who took to social media to raise awareness and voice concerns. In many instances, interviews helped to corroborate allegations. Other times they provided much needed context.

The opportunity to hear from so many people with different roles within the NFB and with different experiences, backgrounds, and views afforded the Committee a unique vantage point on this difficult subject. As a result, the Committee has gained certain perspectives that it believes are useful to share in this Report — principally because they provide context for the Committee's work, but also because it might be beneficial as individuals process for themselves where the organization goes from here.

II. INVESTIGATIVE AND DELIBERATIVE PROCESS

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

Since the June 2021 Report, the Committee continued the engagement of 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. The Committee continued to meet throughout the period.

B. Independence of Investigation

Other than establishing the initial scope of work, neither the NFB Board of Directors ("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 was also given access to relevant documents and information throughout its investigation.

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

C. Information Considered

Before the NFB retained an External Investigator in January 2021, nine (9) complaints alleging sexual misconduct proceeded through the Code of Conduct process. Since December 2020 (and as of November 10, 2021), an additional 84 complaints have been submitted. These 84 complaints allege 73 separate incidents and concern the acts of 73 separate people. Of the 84 complaints, 71 allege sexual misconduct by a transgressor, five (5) allege that a leader failed to respond appropriately to allegations of sexual misconduct, and eight (8) allege both sexual misconduct by a transgressor and failure to respond by a leader. In total, eight (8) leaders are accused of failing to respond adequately to allegations of sexual misconduct. Approximately 29% (or 24) of the complaints were filed by "Responsible Leaders," *i.e.*, people who are now in leadership positions and, under guidance issued in March 2021, are required to file a report. *See* <https://nfb.org/about-us/history-and-governance/code-conduct/guidance-obligations-elected-leaders-share-critical>. As noted below, approximately 40% of the incidents reported to the External Investigator and to the Committee concern misconduct that allegedly occurred at the NFB-affiliated training centers.

The Committee's counsel has conducted 129 interviews of 95 separate people 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 been submitted to the External Investigator. In addition, the Committee's counsel has reviewed: the files for all Code of Conduct proceedings conducted before December 2020; all reports authored by the External Investigator, Tonya Baña, Esquire, and related correspondence post-December 2020; 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 concerning allegations 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 outside of the Committee previewed, drafted, or edited any part of this Report before its completion.

With respect to communications with and interviews of witnesses, the interviewers identified themselves, 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. SPECIFIC FINDINGS AND RECOMMENDATIONS RELATING TO NFB-AFFILIATED TRAINING CENTERS

In the June 2021 Report, the Committee noted that multiple incidents of sexual misconduct raised in social media, in Code of Conduct complaints, or during Committee interviews are alleged to have occurred at the three NFB-affiliated training centers ("Training Centers" or "Centers"). At the time of the June 2021 Report, the Committee had not yet completed its investigation of these incidents or of the sufficiency of the response at each of the Training Centers. Similarly, the Committee did not then have the opportunity to evaluate measures and policies implemented at the Centers to address this issue. The Committee has completed its investigation of these matters, and the Committee's findings and recommendations relating to the Training Centers appear below.

Before turning to those findings and recommendations, it is relevant to note that, although the Training Centers are affiliated with the NFB, they are separate legal entities with their own autonomous boards and corporate officers. As a result, the NFB may not have legal authority to impose certain policies on the Centers or control and supervise the Centers and their personnel. Nevertheless, the NFB can and should clearly communicate its expectations to the Centers and assist them where possible in implementing policies designed to safeguard against sexual misconduct. It is the strong recommendation of the Committee that the Centers cooperate with the NFB and that the NFB continue to provide resources and assistance in furtherance of the mutual goal of developing policies and procedures to address sexual misconduct.

A. Statistics Pertaining to the Training Centers

Approximately 40% of the incidents reported to the External Investigator and to the Committee arose at the Training Centers. Of these, approximately 56.5% (or 26) of the incidents involved a complaint by a program participant against a staff member; 39.1% (or 18) of the incidents involved complaints by a participant against another participant; and approximately 4.3% (or 2) of the incidents fit neither of these categories. An obvious explanation for this cluster of complaints is that people spend longer periods of time at the Centers and that the Centers offer residential programming. As set forth below, given the unique environment of the Centers, it is essential that they have protocols in place to provide a fair review of allegations of sexual misconduct and a safe environment for all. It is also essential that the Centers have sufficient resources to implement those protocols.

For purposes of context, the Committee notes that the 46 incidents identified in this section span more than 20 years. Within the last decade alone, the Training Centers have served more than 9,000 students across all programs. Thus, while the Committee applauds the NFB Board's decision to temporarily suspend the requirement that Code of Conduct complaints be filed within a year of the alleged incident, particularly in the context of this investigation, the resulting number of complaints should not, and cannot, be used to estimate the prevalence of complaints in recent years. It is important that the numbers contained in this Report not be pulled out of context.

1. Louisiana Center for the Blind

Of the 84 Code of Conduct complaints submitted to the External Investigator, 19 concern alleged conduct at the Louisiana Center for the Blind ("LCB"), involving 17 separate incidents and the acts of 16 separate people. Of those 19 complaints, five (5) complaints contain allegations that a leader failed to respond adequately to the alleged sexual misconduct.

To date, the External Investigator has resolved 16 of the alleged incidents at the LCB. Of those 16 alleged incidents, the External Investigator found a Code violation in eight (8) claims and no violation in the other eight (8). Thus, including the Code of Conduct violation found before the External Investigator was retained, to date there have been nine (9) Code violations found involving allegations of sexual misconduct at the LCB. One (1) of those nine (9) substantiated complaints involved sexual misconduct that occurred when the complainant was a minor.

While conducting its investigation, the Committee interviewed 22 separate witnesses and learned of six (6) additional alleged incidents involving sexual misconduct that were not presented to the External Investigator. The Committee believes that three (3) of these incidents likely occurred. Thus, in total, the Committee is aware of 23 separate, alleged incidents, 12 of which the Committee believes occurred.

2. Colorado Center for the Blind

Of the 84 Code of Conduct complaints submitted to the External Investigator, seven (7) concern alleged conduct at the Colorado Center for the Blind ("CCB"). These complaints raise seven (7) separate incidents and the acts of nine (9) separate people. Of

those seven (7) complaints, two (2) complaints contain allegations that a leader failed to respond adequately to the alleged sexual misconduct.

To date, the External Investigator has resolved five (5) of these alleged incidents. Of those five (5) alleged incidents, the External Investigator found a Code violation in three (3) claims and no violation in the other two (2). Thus, to date, a Code violation has been found in three (3) cases involving allegations of sexual misconduct at CCB.

In the course of its 14 interviews of CCB employees, former employees, board members, and former program participants, the Committee learned of seven (7) additional alleged incidents involving sexual misconduct that were not presented to the External Investigator. The Committee believes that five (5) of these incidents likely occurred. Thus, in total, the Committee is aware of 14 separate, alleged incidents at CCB, eight (8) of which the Committee believes occurred.

3. *BLIND, Inc.*

Of the 84 Code of Conduct complaints submitted to the External Investigator, four (4) concern alleged conduct at BLIND, Inc. These complaints address two (2) separate incidents and involve the acts of three (3) separate people. Of those four (4) complaints, one (1) complaint solely addresses a leader's alleged failure to respond adequately to the alleged sexual misconduct.

The External Investigator has resolved both of these incidents, finding a violation of the Code in one (1) of the incidents, and no violation in the other. Thus, to date, there has been a finding of one (1) Code violation involving allegations of sexual misconduct at BLIND, Inc.

In the course of its 13 interviews related to incidents at BLIND, Inc., the Committee learned of seven (7) additional incidents involving alleged sexual misconduct at BLIND, Inc. The Committee believes that six (6) of these incidents likely occurred. Thus, in total, the Committee is aware of nine (9) separate, alleged incidents of sexual misconduct at BLIND, Inc., seven (7) of which the Committee believes occurred.

4. Incidents Involving Minors at Training Centers

In the course of this investigation, the Committee became aware of allegations of sexual misconduct involving four (4) separate minors. As noted in the June 2021 Report, one (1) of those matters went through the Code of Conduct process before this investigation began and before the External Investigator was retained. In that matter, a committee convened to conduct the investigation determined that there had been a Code violation.

In another of those matters, which was alleged to have occurred in the Summer of 2001, a third party filed a Code of Conduct complaint alleging that a staff member engaged in sexual misconduct with a student. The External Investigator sustained that complaint in part. In addition to the External Investigator's investigation, the Committee interviewed five (5) current and former staff members other than the third party complainant, all of whom confirmed that an incident involving sexual misconduct occurred. Those witnesses, however, disputed the specific allegation by the third party that the police were not called and also disputed the severity of the allegations made by the third party. The transgressor went on to become a leader of a local chapter in another state, a result that would not occur under the current reporting and notification

requirements.

The other two (2) instances allegedly occurred in the late 1990s, both involving the same staff member. Counsel for the Committee attempted to investigate the allegations concerning these two (2) minors (both of whom are now over 30 years old). Neither agreed to an interview with the Committee (as is their right). A member of leadership, who, in the 1990s, looked into the allegations concerning one participant, reported in an interview that she had determined that nothing inappropriate had occurred. It is not clear that the allegations involving the second person were ever reported to anyone at the Center.

Thus, in total, the Committee is aware of two (2) incidents involving minors where there has been a finding that sexual misconduct occurred.

B. Findings Based on Committee Interviews

1. The Close-Knit Nature of the Centers Presents a Challenge for Internal Investigations.

The Centers are not large operations and, as a result, there are generally close relationships among staff members. In this regard, each of the current directors is married to someone on her staff, an observation that should not be construed to suggest that the Committee believes that is improper. Indeed, in small businesses and organizations it is not uncommon for spouses and family members to work together side by side. Similarly, close relationships often develop between staff members and students. Again, this is not surprising or of itself inappropriate in the context of programs that have a residential component. The close nature of the community, however, can present

challenges for (i) anyone who wants to raise a complaint and (ii) those who need to address a complaint.

In the Committee's interviews, some participants in the investigative process felt their complaints were taken seriously and addressed in a reasonable manner; others did not. Some expressed a lack of confidence in the independence of the investigation and concluded (whether true or not) that no investigation or intervention took place, or that, if such an investigation took place, it was inadequate. Other participants appeared misinformed about whether an investigation occurred, whether there was any intervention, and what that intervention was. The people conducting the investigations — largely the Centers' directors — reported concerns about the "inaccuracy of the rumor mill," concerns about consequences for participants in the event of termination from a program (including termination of rehabilitation services, inability to obtain necessary independent living skills, and inability to obtain employment), and uncertainty about reporting and confidentiality requirements and the scope of permitted disclosures.

2. Pre-December 2020, the Centers Did Not Have Clear Protocols for Investigating Allegations of Sexual Misconduct.

Based on the Committee's review of the incidents, it appears that, in the majority of instances, once a complaint was raised, Center staff quickly intervened to isolate the alleged offender from other program participants and determine what in fact had occurred. The responses, however, were not always consistent or adequate. At times it appears that informal resolutions were reached by leadership without formal and complete investigations. In some cases leadership's resolution did not show an

appreciation of the organization's limitations and the need at times for outside support services. As a result, leadership of the Centers were at times dealing with serious issues outside their expertise with little or no support.

Additionally, the documentation and communication concerning incidents was not consistent. The recordkeeping of the Centers' investigations into incidents and of any interventions was, until recently, neither consistent nor thorough. Additionally, until recently, with the exception of BLIND, Inc., there was little or no communication with the respective boards for each Center concerning complaints of sexual misconduct. Finally, the Centers' communications with the National Blindness Professional Certification Board ("NBPCB") and other Centers were informal and inconsistent. As noted below, much of this has greatly improved since December 2020.

The Committee is aware of four (4) instances where Center staff were made aware of a complaint, but there was minimal intervention or no intervention at all, and the alleged perpetrator later re-offended. The Committee appreciates that it is unfair to use hindsight in assessing such results but submits that continued training, the development and implementation of the response protocols (described below), the use of an external investigator, and the implementation of responsible leader reporting obligations will help to minimize any such occurrences.

3. Board Members Acknowledge a Need to Provide More Oversight and Support.

In addition to multiple interviews of each Center director, the Committee interviewed 16 current and former members of the boards of directors of the Centers

concerning their role in the oversight of the operations at the Centers and how that has been impacted by allegations of sexual misconduct. The board members we interviewed represent a variety of professions; many were alumni of Centers and credit the Centers for their success.

Members of the boards of the LCB and CCB reported not being notified of allegations of sexual misconduct until December 2020. Members of BLIND, Inc.'s board reported that the level of reporting to the board depended on the director, and that the current and immediate past directors had reported allegations of sexual misconduct to the board as far as the board members knew. All board members reported that they expected to be notified about such allegations going forward.

As a general matter, board members from each Center acknowledged the huge amount on their respective director's plate — from recruiting and fundraising to running the day-to-day operations of the Center. Several board members expressed concern about bandwidth issues, particularly where the Center director was also expected to fulfill additional roles within the state or national organization. Board members recognized the need to review organizational structure and protocols so that responsibility for handling allegations of sexual misconduct is both clearly delineated and realistic.

Consistent with their fiduciary responsibilities, board members also acknowledged that they needed to become more proactively involved in both oversight and support of the Centers. Specifically, they recognized the need to review the organizational structure of the Centers to assure sufficient administrative support; assist with development of protocols requiring additional and more formalized recordkeeping; and support the

Centers' consultation with the External Investigator to assist with immediate concerns of sexual misconduct. They also acknowledged the need to help increase resources and identify additional sources of support for Center directors.

4. Post-December 2020, the Centers Have Made Substantial Improvements in Their Response to Allegations of Sexual Misconduct.

Since December 2020, the Centers have made substantial improvements in responding to allegations of sexual misconduct. After the publication of their respective statements of apology on or about December 24, 2020, the Centers have each taken steps to better address and prevent sexual misconduct. Each Center joined the NFB in its partnership with RAINN to create and conduct a mandatory training program regarding sexual violence and misconduct for staff, volunteers, and leadership, with the trainings beginning in March 2021. The Centers implemented their own mandatory training programs for students, staff, and board members on a wide variety of topics, including sexual assault, harassment and misconduct, consent, boundaries, reporting, prevention, and bystander intervention. Training has also been offered on crucial, related topics, such as diversity, equity, and inclusion, mental health, and general wellness. Such trainings have been provided regularly since December 2020 by qualified professionals and outside experts, and the Committee understands that the Centers intend to continue these trainings in the future. In addition to increased training, the Centers have hosted forums and other meetings to facilitate more open discussion of issues relating to sexual misconduct amongst Center students and staff members.

The Centers and their respective boards are in the process of updating their response protocols for addressing and preventing sexual misconduct. Many of the Committee's recommendations for the Centers set forth in the June 2021 Report will be addressed by the new response protocols. To that end, each Center is collaborating with the NFB to develop specific protocols to address complaints that present an immediate issue — *e.g.*, where the accused is a current employee or participant — parallel with the investigation to be conducted by the External Investigator.

C. Recommendations Related to Training Centers

1. Explore ways of increasing resources for the Centers. In the vast majority of interviews, interviewees conveyed how very important the training they received at the Centers was to their quality of life. Yet, based on the Committee's interviews, the staff members critical to ensuring that training is delivered in a safe environment are underpaid in comparison to personnel in equivalent positions in other non-NFB affiliated training centers. At the same time, those people are being asked to fulfill more roles than can reasonably be expected of them. The Committee is aware of several instances in which a critical position remained vacant for prolonged periods of time.

2. Implement the response protocols developed in collaboration with the NFB. This includes ensuring that the staff at each Center are trained as to their roles in implementing the protocols.

3. For those complaints requiring an immediate investigation, consider retaining a trained investigator who is independent of the Centers and of the NFB.

4. Ensure that staff members and program participants have a conflict-free means of raising complaints of sexual misconduct.
5. Continue to improve documentation concerning complaints and any resulting intervention.
6. Develop memoranda of understanding among Centers and with the NBPCB to the extent allowed by each Center's state law.
7. Increase participation on the part of board members in procuring resources for the Centers.
8. Increase participation of the board in the oversight of senior staff. Because the Committee observed examples of both adept and insufficient handling of allegations of sexual misconduct, the Board should consider the best mechanism to aid the Centers' boards of directors in obtaining information to help them assess the responses of their Center leadership.

D. Committee's Conclusions on the Training Centers

The vast majority of interviewees who previously spent time at one of the Training Centers wanted the Committee to know just how important that training experience was to the subsequent chapters of their lives. In many cases, even interviewees who were critical of a Center's response to a particular incident noted the importance of the training they received; indeed, in some cases interviewees observed that their willingness to come forward was due in part to their desire to make the Centers the best that they can be given the essential nature of the Centers' services for many in the blind community.

The Committee provides this Report and offers the recommendations above in that spirit. It is imperative that the essential training provided by the Centers be accessible to as many people as possible and that sexual misconduct not be allowed to prevent people from fully accessing that training. It appears from recent interviews that several improvements and safeguards have already been implemented and that additional measures are underway. Nothing from the Committee's investigation undermines the Committee's belief that the Training Centers have been and will be an incredibly important resource within the blind community, deserving of adequate support from the larger community.

IV. SPECIFIC FINDINGS AND RECOMMENDATIONS RELATING TO STATE AFFILIATES

For many members of the NFB, the primary community with which they interact is at the state affiliate or local chapter level. The state affiliates often serve as a connection to the larger national events and seminars. Further, leaders at the state and local levels often proceed to national leadership positions. Like the Training Centers, the state affiliates are separate and autonomous entities from that of the NFB.

Of the 84 Code of Conduct complaints filed since December 2020, 12 concerned allegations of sexual misconduct — or the response thereto — at or within state affiliates. The Committee heard additionally from 14 individuals, who came forward and described or responded to assertions related to state affiliates. The Committee did not hear from, or survey, representatives of all state affiliates. Rather, clusters of individuals in specific states contacted counsel for the Committee and the Committee followed up on the

specific issues raised in those interviews. Notwithstanding that not every state was represented in these interviews, the Committee believes the experiences of members and leadership in the specific states addressed are potentially useful to all. Those issues are described below.

Counsel for the Committee spoke with seven (7) members of one state affiliate concerning that affiliate's efforts to implement a state-level response to local complaints of sexual misconduct. This occurred just after the Code of Conduct was enacted and before the national organization had fully implemented its system of response. The experience of all the people involved in that attempt confirmed the difficulties inherent in using untrained volunteers to investigate allegations of sexual misconduct, particularly within a community of people with close relationships. Members of the panel convened by the state affiliate to investigate the allegations and make related findings expressed concern that they knew the complainants, the respondent, and the third-party witnesses in advance of the investigation; they also expressed concern that they had no background or training on the procedures to be used for the investigation nor any background in dealing with allegations of sexual misconduct. Interviewees expressed concern that the investigative panel had no clear procedures in place to protect the confidential information of witnesses, and that procedural rules were being developed as the case(s) progressed. The participants did not fault the volunteer panel members, but were discouraged by the lack of clear procedures and experience. No one we spoke with — participant, panel member or leader — was comfortable with the process. To its credit, that affiliate — with support from the national organization — had attempted to make the

Code of Conduct process more accessible to local members and responsive to local issues; indeed, the national organization encouraged the effort. The experiment demonstrates, however, the need for an independent investigator trained in dealing with issues of sexual misconduct.

The experience in a different state illustrates the need for clear communication between national and state leadership concerning the status and outcome of investigations and a clear statement regarding the ability of the state affiliates and local chapters to take steps to protect their membership while a (national) Code of Conduct investigation is proceeding or in the absence of a Code of Conduct complaint altogether. In that state, using the Code of Conduct process, multiple different people came forward in the last year with accusations that an individual in a local leadership position had engaged in sexual misconduct. State leadership was reluctant to limit the role of the local leader in large part because of misunderstandings about the process at the national level and the misconception that the pending national action precluded any protective action at the local level. Moreover, one witness to a particular incident of misconduct was told that no action could be taken at the local or state level based on the concerns she raised unless she filed a Code of Conduct complaint. Both instances suggest the need for ongoing training of state and local leaders concerning the impact of a pending Code of Conduct complaint or the lack of one and, relatedly, a need for materials/training concerning the steps involved in the national process, the likely duration, and the types of state and local actions that can be taken pending a decision on the complaint. There are currently state and local leaders who are under the misimpression that they cannot take any independent

steps to address a sexual misconduct claim brought to their attention given the centralized approach to Code of Conduct complaints. This can be addressed with a clear statement regarding what should occur at the state and local level while a Code of Conduct complaint is pending and, of course, in the absence of a Code of Conduct complaint.

The experience in a third state illustrates what can be accomplished on a local level when bystanders react negatively to inappropriate behavior. In this instance, which occurred nearly 20 years ago, several participants in a local seminar witnessed the aftermath of an incident of sexual misconduct by a state leader. While no official report of any sort appears to have been filed at that time, four (4) witnesses reported making their general disapproval of the incident known for the rest of the seminar and in the weeks that followed. The leader involved ultimately chose not to run for re-election. There are currently two (2) pending Code of Conduct complaints that appear to be related to this incident.

V. SPECIFIC FINDINGS AND RECOMMENDATIONS RELATING TO CONVENTIONS AND NFB-SPONSORED EVENTS

A. Findings from Committee Interviews

As noted in the June 2021 Report, a significant number of sexual misconduct claims concern incidents at state and national conventions and other NFB-sponsored events. Of the pending Code of Conduct complaints, 28 involve allegations of sexual misconduct at a convention or seminar, including 19 at state or national conventions and nine (9) at NFB-sponsored events at the National Center or the Washington Seminar.

The External Investigator has resolved 14 of those complaints to date, concluding that in

ten (10) cases a Code violation had occurred and that in four (4) there was insufficient evidence of a violation. In the course of its interviews, the Committee became aware of 19 additional incidents involving alleged sexual misconduct at state and national conventions and other NFB-sponsored events that were not presented to the External Investigator.

Factors that appear to contribute to the number of complaints include the quasi-residential nature of the events and, for conventions in particular, a party-like atmosphere, which for at least some participants includes the substantial consumption of alcohol. As to the residential nature of these events, a substantial portion of the incidents reportedly arose in hotel rooms used at conventions or seminars. In some cases the complaints alleged incidents at private parties held in hotel rooms. At least six (6) incidents allegedly involved a sexual assault in a hotel room by another convention participant. One (1) of these involved a minor.

Several interviewees raised concerns about the level of supervision for younger participants at conventions, many of whom have not spent substantial time away from home. Additionally, several interviewees observed that people who do not know each other well may be assigned as roommates, leading potentially to participants deciding to unofficially change their own room assignments. While the latter issue is beyond the scope of this Report, the Committee notes that this underscores the need for putting in place a mechanism for checking in on the safety of participants, particularly those who are younger.

As to the party-like atmosphere, this same environment reportedly creates similar issues at other, non-NFB conventions and sporting events. Some of those events now use "safety teams" to intervene with particular participants who are bothering others and to address specific incidents of sexual misconduct. The Committee is aware that, since 2018, the NFB has employed a hotline at its National Convention to assist attendees with new claims of sexual misconduct. The Committee recommends that this be expanded to allow bystanders to report concerns and be implemented at state conventions.

At least five (5) of the incidents involved non-consensual groping in elevators and in group gatherings, including bars and meeting rooms. In many cases the survivor did not want to make a scene or froze and, as a result, others in the vicinity were unaware of what was occurring. Such incidents should become less prevalent as a result of the combination of the NFB's organizational response to the issue, the training that has occurred in affiliates across the country, and the heightened awareness and general messaging about the NFB's strong stance against sexual misconduct. The Committee also endorses the implementation of safety teams to give potential victims or bystanders a means of quickly reporting sexual misconduct. The Committee believes that the implementation of safety teams at major events (and clear announcements about how to contact the team) will reinforce the message that the NFB does not tolerate sexual misconduct.

In the course of the investigation, the Committee heard examples of both an individual intervening to prevent further non-consensual touching and a group of individuals expressing disapproval of a particular act of misconduct and preventing it

from recurring. But the Committee also heard several reports of people reporting incidents of groping to someone they perceived to be a responsible leader only for the report to be ignored or minimized as part of the party atmosphere. The larger community can do a lot to deter these instances and it is essential that responsible leaders play a part.

Finally, at least three (3) incidents involve allegations that a NFB committee member or leader either attempted to use or used the power of the committee or leadership position to coerce a convention or seminar participant into intimate acts. Clearly the unequal power dynamic has potential implications for consent. The Committee hopes that the training provided over the past year on the nature of consent, as well as adoption of protocols limiting certain behavior by committee members will eliminate such incidents.

B. Recommendations Related to Conventions and NFB-Sponsored Events

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. One aspect of this training should address the impact of alcohol and intoxication on people's behavior, inhibitions, and ability to give consent.

2. The NFB and its state affiliates should consider the use of safety teams at conventions for complaints of sexual harassment. Many other conventions and athletic events use similar teams, publicizing, for example, a phone number for attendees to use when they witness a particularly unruly participant or other dangerous behavior.

3. Leaders entrusted with positions on committees should be reminded of the power inherent in the position and the responsibility not to abuse it. Protocols for the interaction between Scholarship Committee members and mentees in particular should be developed.

4. 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.

VI. FINAL PERSPECTIVES OF THE SPECIAL COMMITTEE

As mentioned above, having conducted scores of interviews of people at all levels within the organization and with diverse backgrounds and points of view, the Committee has gained unique perspectives on this difficult subject, which are summarized below.

Survivors. In its interviews of survivors, the Committee heard how incredibly difficult it is for survivors to come forward and recount their experiences. It takes tremendous courage to share such experiences. That is particularly so in NFB's close-knit community where, oftentimes, relationships between a survivor, an alleged transgressor, and the relevant leader may be intertwined professionally, socially, and personally. The people who came forward deserve credit for bringing attention to an important issue. Through their efforts, the NFB is on a positive and thoughtful course.

Leaders. Allegations of sexual misconduct have tested the strength of the organization. No responsible institution aspires for its members to experience trauma by the acts of others within the organization, and it is no exaggeration to say that how

leaders respond when attention is brought to bear on such painful subjects can make or break an organization. The Committee believes that, through this process, the NFB met this difficult subject in a responsible and meaningful way. The Committee commends the NFB for its decision to conduct this investigation and its willingness to listen to the survivors and hear their concerns. The Committee is reassured by the leaders' demonstrable commitment to making needed policy, procedural and cultural advances in response to the issues raised last December. The willingness of leaders to evaluate their own performance and to acknowledge where they fell short can give survivors, people who stand with them, future leaders, and all NFB members reassurance that the NFB's future and its direction are positive.

External Investigator. The Committee had the benefit during the past several months of observing how Code of Conduct complaints have been investigated and resolved by the External Investigator. The Committee is pleased to report that process appears to work well. The Committee recognizes that there was consternation about the concept of hiring a non-NFB person to conduct those investigations. Some people expressed legitimate concern about whether engaging an outside External Investigator to investigate internal Code of Conduct complaints might run counter to the organization's proud history of self-reliance. While the Committee understands those concerns, the Committee believes that in this context they are outweighed by the countervailing benefits of having a neutral, experienced investigator lead the investigations of Code of Conduct complaints alleging sexual misconduct, particularly given the many ways the personal and professional lives of members are intertwined.

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By expressing these positive and hopeful points, the Committee is not saying the job is done. Vigilance, energy, and resources will be necessary to maintain the momentum created during the last year and to implement improvements for responding to this important subject.

VII. CONCLUSION

With this Report, the Committee perceives that its assignment has ended. The Committee expresses its sincere appreciation to everyone, particularly the survivors, their allies, and witnesses, who cooperated with the Committee and its counsel during this investigation. The Committee also wishes to thank the President and NFB's Board for allowing the Committee to conduct its investigation unhampered and with the necessary resources and support.