



April 6, 2021

Dear Complainant c/o Ms. Tonya Baña:

This letter notifies you of the outcome of the investigation of the National Federation of the Blind ("NFB") in response to allegations you, as complainant, made against Brent Batron, as respondent, on January 13, 2021, pursuant to the NFB's Code of Conduct (as adopted January 26, 2018 including any amendments) ("Code").

Pursuant to the Code, the matter was referred to Tonya Baña, Esquire, an outside lawyer, to conduct an independent investigation, make findings of fact, and recommend any disciplinary actions to be imposed by the NFB. I have been advised that you were afforded a full and fair opportunity to provide information to Ms. Baña in connection with the investigation.

On March 30, 2021, Ms. Baña provided her findings and recommendations.

- I have adopted her recommended disciplinary actions based on the finding(s) that the misconduct alleged against the respondent is substantiated.
- I have adopted her recommended disciplinary actions, except as explained below, based on the finding(s) that the misconduct alleged against the respondent is substantiated.
- In addition to adopting her recommended disciplinary actions based on the finding(s) that the misconduct alleged against the respondent is substantiated, I have added additional actions, as explained below.
- I have adopted her recommendation of no disciplinary actions based on the finding(s) that the misconduct alleged against the respondent is unsubstantiated.
- I have adopted her recommendation of no disciplinary actions based on the finding(s) that the misconduct alleged against the respondent does not constitute a violation of the Code.

Summary of Findings of Independent Investigator

Based on the totality of the evidence and information gathered and reviewed during the investigation, it is my opinion that the evidence supports the following findings of fact:

a. Mr. Batron engaged in an inappropriate sexual relationship with the complainant.

The evidence establishes that Mr. Batron deliberately engaged in an inappropriate sexual relationship with the complainant. Mr. Batron admitted that an "inappropriate relationship

occurred” between him and the complainant and admitted that he engaged in inappropriate physical and verbal conduct of a sexual nature toward the complainant, including intentionally touching intimate areas of the complainant’s body and kissing the complainant, when the two roomed together at the national convention and during a camping trip about a month later.

Although the sexual relationship between Mr. Batron and the complainant occurred more than a decade before the NFB Code of Conduct was adopted, the Colorado Center for the Blind has long had its own Code of Conduct prohibiting staff members from engaging in an “[i]nappropriate relationship with a client/student,” which expressly includes not only “intimacy with a client/student of an emotional, physical or sexual nature” but “any situation that negatively affects the client/student.” During the interview Mr. Batron admitted he was aware that the Colorado Center’s policy prohibited staff members from engaging in any type of sexual relationship with a student. Further, the evidence shows that the relationship between Mr. Batron and the complainant had a negative effect on the complainant.

b. Mr. Batron abused his authority as an instructor by exploiting the unequal power dynamic of the student-teacher relationship for his own sexual gratification.

There is conflicting and inconclusive evidence as to whether Mr. Batron’s sexual interactions with the complainant were welcome or consensual. Regardless of whether the sexual conduct that occurred was welcome or consensual, Mr. Batron’s conduct was an abuse of power. Mr. Batron plainly abused his authority as an instructor by exploiting the unequal power dynamic of the student-teacher relationship for his own sexual gratification. While there is no evidence that Mr. Batron ever threatened or improperly pressured the complainant into sexual conduct, in light of the power imbalance between Mr. Batron and the complainant, a reasonable person in the complainant’s position could have reasonably believed submission to Mr. Batron’s sexual advances was required or that rejection of such sexual conduct would negatively affect their participation in the program. Furthermore, the complainant credibly reported that he “didn’t feel able to say no” and that he was “scared and didn’t know how to stop things.”

c. Mr. Batron’s conduct violates the NFB Code of Conduct.

Section III of the NFB Code of Conduct sets forth the Federation’s Non-Discrimination and Anti-Harassment Policy. The definition of “sexual harassment” expressly includes sexually motivated verbal or physical conduct toward an individual that “has the purpose or effect of unreasonably interfering with an individual’s performance or involvement in the organization” or “otherwise adversely affects an individual’s opportunities for participation/advancement in the organization.” Mr. Batron admitted engaging in an inappropriate sexual relationship with the complainant that unreasonably interfered with and/or adversely affected the complainant’s performance and/or participation at the Colorado Center. Accordingly, Mr. Batron engaged in conduct that violates the Federation’s Non-Discrimination and Anti-Harassment Policy.

Section V of the NFB Code of Conduct contains the Federation’s Conflict of Interest Policy. Employees of the Federation “are expected to avoid all conflicts of interest,” which expressly includes “when a person’s personal or professional interests interfere or even just appear to interfere with the interests of the Federation.” Mr. Batron’s abuse of his authority as an instructor at the Colorado Center for his own sexual gratification is plainly antithetical to the interests of the

Federation. Accordingly, Mr. Batron engaged in conduct that violates the Federation's Conflict of Interest Policy.

Disciplinary Actions

Under the authority of the Presidency of the National Federation of the Blind, effective immediately the following disciplinary actions have been taken:

1. Suspend Mr. Batron from the membership for three (3) years.
2. Impose a permanent prohibition on Mr. Batron serving the Federation in any capacity that would involve the direct supervision of minors.
3. Recommend that Mr. Batron seek psychological evaluation, counseling and/or treatment for the sexual misconduct that occurred and require him to provide proof of having done so prior to reinstating his membership.

Anti-Retaliation

Any retaliation by the respondent, directly or indirectly, against the complainant or any witness will result in immediate disciplinary action. If you perceive such retaliation has occurred, please either notify Ms. Baña in writing or file a new complaint under the Code of Conduct procedures.

Right to Appeal

Any person (including the complainant or respondent) who is dissatisfied with the resolution of this matter may file an appeal with the NFB's Board of Directors. Within its sole and absolute discretion, the board may hear the appeal or decline to hear an appeal. If the board agrees to hear an appeal, it may impose new, different, fewer, more, less severe, or more severe disciplinary actions than those set forth in this notice. The deadline for filing an appeal is thirty days from the date of this letter. Absent extenuating circumstances, the failure of a person to file a timely appeal shall preclude that person's right of appeal. If an appeal is timely filed, the appeal letter shall contain a full and detailed explanation of the reasons any findings or disciplinary actions are believed to be incorrect. Appeals must be directed to me in the Office of the President. During the appeal process, the board may access the results of the underlying investigation.

Disclosures

Although complaints and supporting documentation submitted pursuant to the NFB's Code of Conduct investigation process and the deliberations of the NFB's Board of Directors are considered strictly confidential, the NFB reserves the right to disclose this matter (including the results of the investigation and a copy of this letter) to the extent deemed necessary or appropriate by the NFB in its sole and absolute discretion. Such disclosures may include

communications to appropriate government agencies or law enforcement authorities; or to appropriate NFB officials or affiliates for the purpose of communicating and enforcing the disciplinary actions, if any, that have been taken.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Riccobono", with a long horizontal flourish extending to the right.

Mark A. Riccobono, President
National Federation of the Blind