



March 15, 2021

Dear Complainants c/o Ms. Tonya Bana:

This letter notifies you of the disciplinary actions being taken against Rex Schuttler as respondent, by the National Federation of the Blind (NFB) in response to allegations you, as complainant, made against the respondent on December 14, 2020, 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 12, 2021, Ms. Baña provided her findings and recommendations.

- I have adopted her recommended disciplinary actions.
- I have adopted her recommended disciplinary actions, except as explained below.
- In addition to adopting her recommended disciplinary actions, I have added additional actions, as explained below.

Summary of Findings

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. Schuttler has a longstanding and persistent pattern of engaging in inappropriate non-consensual physical and verbal conduct and communications of a sexual nature with women at Federation training centers.

Mr. Schuttler admitted to most of the conduct attributed to him in the first Code of Conduct complaint filed against him, including, but not limited to, deliberately touching the complainant's breasts and buttocks in the performance of his duties for the Louisiana Center on at least "a couple" occasions and asking the complainant to show him where her room was located, touching her breasts, and asking to kiss her at the national convention. Thus, the undisputed evidence reflects that Mr. Schuttler engaged in overtly sexual physical and verbal conduct and communications as alleged in the first Code of Conduct Complaint.

Mr. Schuttler suggested his conduct towards the first complainant constituted an isolated lapse in judgment by emphasizing that she “is a pretty girl” and asserting that at the time he was in a new relationship, stressed out, and begging for attention. Mr. Schuttler initially denied inappropriately touching any other students. However, when directly questioned about the allegations made in the second Code of Conduct complaint, Mr. Schuttler admitted that he intentionally touched the second complainant’s buttocks as well. Although Mr. Schuttler insisted that any physical contact with the second complainant’s breast was accidental, I did not find his statement credible for several reasons.

Preliminarily, during the interview Mr. Schuttler changed his story a number of times and he generally exhibited a lack of candor. For example, after he belatedly acknowledged the two incidents raised in the second complaint, he reiterated that he had not been involved in any other incidents of sexual misconduct. When I asked why he failed to mention the prior complaint the second complainant submitted to the director of youth services at the Louisiana Center, after initially suggesting that he simply forgot, when pressed, he claimed that he did not disclose the prior complaint because he thought it had already been resolved.

Moreover, the documentation and information provided by the third-party witnesses shows that Mr. Schuttler has been implicated in at least two more incidents of improper physical contact and unwanted sexual communications. In Fall 2018, another student complained to the executive director of the Louisiana Center that Mr. Schuttler had touched her back in a way that made her uncomfortable. Although Mr. Schuttler adamantly maintained that any physical contact with the woman was accidental, the leadership at the Louisiana Center was sufficiently concerned about his behavior that, when he applied for an apprenticeship at the Colorado Center for the Blind the following year, they notified both the Colorado Center and the National Blindness Professional Certification Board that he had issues. The most recent incident occurred in December 2019 when a student at the Colorado Center notified the executive director that Mr. Schuttler had been sending her text messages inquiring about the size of her breasts. Further, when the leadership at the Colorado Center confronted Mr. Schuttler, he confirmed that he had sent the inappropriate text messages and acknowledged that he had similar trouble in the past, that this behavior was a compulsion, and that he needed help to deal with this problem.

Notably, because the evidence relating to these other complaints was obtained after Mr. Schuttler’s initial interview, I reached out to Mr. Schuttler and invited him to schedule a follow up interview so that I could share the additional information that had been gathered and give him the opportunity to respond. Mr. Schuttler declined to participate in another interview and stated that he would “stand by whatever decision is made.” Given that the un rebutted evidence reflects that Mr. Schuttler admittedly engaged in non-consensual physical and verbal contact and communications of an objectively sexual nature with at least two different women at NFB training centers, and in view of his lack of credibility, the evidence supports a finding that Mr. Schuttler intentionally touched the complainant’s buttocks and breast for his own sexual gratification as alleged in the second Code of Conduct Complaint.

Next, Mr. Schuttler did not dispute that all of the sexual or inappropriate interaction with the complainants was initiated by him. Although Mr. Schuttler pointed out that the first complainant did not object and “just kinda let it happen,” when directly asked if she consented or otherwise did anything to indicate that his conduct was wanted, he admitted that she did not. Likewise, Mr. Schuttler did not claim that the second complainant consented to him touching her buttocks, and his insistence that any contact with her breast was accidental necessarily forecloses any assertion

that she consented to it. Thus, the evidence reflects that the conduct that occurred was non-consensual.

Lastly, Mr. Schuttler admitted that sexual or inappropriate touching of students is prohibited and constitutes grounds for termination and/or expulsion under applicable policies. Although Mr. Schuttler's improper conduct with the complainants occurred before the NFB Code of Conduct was adopted, the Louisiana Center has its own Sexual Harassment/Physical or Emotional Policy that predates the NFB Code of Conduct and is generally consistent with the Non-Discrimination and Anti-Harassment Policy incorporated in the Code. As early as 2015 when he was a student at the Louisiana Center, Mr. Schuttler signed an acknowledgment confirming that he understood that policy. It also bears noting that the NFB Sexual Abuse and Molestation Policy, which was adopted in 2012, states that the Federation has "zero-tolerance" for sexual abuse or molestation, which expressly includes not only sexual assault, exploitation, or molestation but any "sexual contact or interaction for the gratification of the actor who is functioning as a caregiver and is responsible for an individual's care." Thus, the conduct that occurred was inappropriate.

b. Mr. Schuttler'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 "unwelcome sexual advances, request for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature" and expressly prohibits "unwelcome inappropriate physical contact or touching." As already discussed more fully above, Mr. Schuttler admitted engaging in inappropriate non-consensual touching and physical contact with the complainants in the performance of his duties at the Louisiana Center. Accordingly, Mr. Schuttler violated 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," including "when a person's personal or professional interests interfere or even just appear to interfere [] with the interests of the Federation." Mr. Schuttler's sexual harassment and sexual abuse of students for his own gratification is plainly antithetical to the interests of the Federation. Accordingly, Mr. Schuttler violated 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. Permanently expel Mr. Schuttler from the membership.
2. Recommend that Mr. Schuttler seek psychological evaluation, counseling and/or treatment for his compulsive behavior.

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 that have been taken.

Sincerely,



Mark A. Riccobono, President
National Federation of the Blind