



December 7, 2021

Dear Ms. Baillif:

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 Mr. Scott LaBarre, as respondent, on July 30, 2021, regarding an incident that occurred at the national convention in 1987, 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 December 1, 2021, Ms. Baña provided her findings and recommendations.

- ☒ I have adopted her recommendation of no disciplinary actions based on the finding(s) that the misconduct alleged against the respondent is unsubstantiated.

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. There is insufficient evidence to determine whether the misconduct reported occurred.

I was unable to make a determination as to whether the misconduct reported occurred due to a lack of sufficient evidence. More specifically, there is conflicting and inconclusive evidence regarding the interaction that occurred between Ms. Baillif and Mr. LaBarre when they were alone. Ms. Baillif maintains that Mr. LaBarre explicitly propositioned her for sex in exchange for using his position on the Scholarship Committee to get her a higher scholarship. Mr. LaBarre admits that he was attracted to Ms. Baillif and wanted to get closer to her. He also recalls "hitting on" her but reports that he has no recollection of propositioning her. Further, he maintains that he does not generally engage in the type of "quid pro quo" behavior Ms. Baillif attributed to him and there is no evidence that he has been the subject of any other allegations of sexual misconduct.

In some cases it may be appropriate to make a finding that sexual misconduct occurred based solely on the decision to credit a complainant's uncorroborated allegations, like when the complainant's account is sufficiently detailed and internally consistent so as to appear plausible on its face. In this case, while I found Ms. Baillif very credible, I could not properly make a finding that the specific misconduct she attributed to Mr. LaBarre occurred based solely on her uncorroborated allegation because, ultimately, I found Ms. Baillif and Mr. LaBarre to be equally credible and I found their divergent accounts of their interaction to be equally plausible.

b. Mr. LaBarre was properly disciplined for his inappropriate conduct with Ms. Baillif.

Regardless of whether the specific misconduct Ms. Baillif attributed to Mr. LaBarre occurred, the evidence shows that the NFB disciplined Mr. LaBarre for the misconduct Ms. Baillif reported. The evidence shows that after Ms. Baillif reported Mr. LaBarre's inappropriate behavior to the chair of the Scholarship Committee, Mr. LaBarre was immediately removed from the committee and he did not resume serving on that committee for nearly a decade. In addition, after Ms. Baillif publicly shared her story on social media and with the press earlier this year, the independent investigator in consultation with the NFB's external legal counsel informed the Office of the President that Mr. LaBarre should refrain from participating in Code of Conduct investigations involving allegations of sexual misconduct and the President immediately reassigned the responsibilities Mr. LaBarre had been performing in connection with those matters to someone else.

Disciplinary Actions

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

None

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

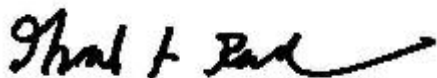
Any person (including the complainant or respondent) who is dissatisfied with the resolution of this matter may file an appeal with the NFB's Board of Directors. Within its sole and absolute discretion, the board may hear the appeal or decline to hear an appeal. If the board agrees to hear an appeal, 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