

WITNESS AFFIDAVIT

I, Dr. Jeffrey Conn, am  an employee of \_\_\_\_\_ applicant to \_\_\_\_\_ former employee of the:

(Agency) U. S. Department of Agriculture  
(Office) Agricultural Research Service  
(Division) Subarctic Agricultural Research Unit  
(Branch) University of Alaska Fairbanks  
Located in (city and state) Fairbanks, AK 99775

In the capacity of (show both your organization title and the classification of your job, if different):

Research Agronomist

Grade GS-0471-13 between (date) January 2007 and (date) to the present time

My telephone number during working hours is: 907-474-7652

I HAVE BEEN ADVISED OF THE FOLLOWING:

I am required by Federal regulations and Department of Agriculture policy to cooperate fully and promptly with the investigator who has been assigned to conduct a thorough and impartial investigation into a complaint of discrimination against the Department of Agriculture. I must provide a statement for the investigative report which is true and complete to the best of my knowledge and which discloses all of my first-hand knowledge having a bearing on the merits of the complaint. My statement is provided under oath (or affirmation), without a pledge of confidentiality, in accordance with Equal Employment Opportunity Commission rules and regulations and Department of Agriculture policy. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of my affidavit and be provided an opportunity to respond for the record. In addition, the complainant and the appropriate Department Officials involved in the EEO complaint process will receive the entire investigative file. I have the right to review my statement prior to signing it and may make initialized corrections if it is incomplete or inaccurate. I have the right to receive a copy of the signed statement.

Having been advised of the above information about my role as a witness in the investigative process, I solemnly swear  affirm \_\_\_\_\_ the statement which follows is true and complete to the best of my knowledge and belief, and addresses the issues and concerns raised with me by the investigator.

1. Please state your name for the record.

(Answer) My name is Jeffrey Conn.

2. What is your gender?

(Answer) I am a male.

3. What are your job title, occupational series, and grade?

(Answer) I am a Research Agronomist, GS-0471-13

4. What are your major duties?

(Answer) My major duties include research on invasive plants.

5. How long have you been in your present position? Date(s)?

(Answer) I have been in my present position since January 2003.

6. How long have you worked for the Federal government?

(Answer) I worked for ARS from October 1980 to December 1994. The Research location here was disbanded and I went to work for the State of Alaska in the interim.

7. What is the organizational name of the unit/branch/section/division to which you are assigned?

(Answer) I work for the U.S. Department of Agriculture, Agricultural Research Service, Subarctic Research Unit, University of Alaska Fairbanks.

8. Where is your duty station located? City/County/State?

(Answer) My duty station is in Fairbanks, North Star Borough, Alaska.

9. Who is your immediate supervisor? Name and job title?

(Answer) My immediate supervisor is Alberto Pantoja, Research Leader.

10. How long has h/she been your immediate supervisor?

(Answer) Dr. Pantoja has been my immediate supervisor for about 5 ½ years.

  
Initials

11. Who is your second line supervisor? Name, job title, and grade?

(Answer) My second line supervisor is Bob Matteri. Associate Director.

12. How long has h/she been your second line supervisor?

(Answer) Dr. Matteri was appointed recently, in the last few months.

13. Do you work with complainant? If yes, in what capacity?

(Answer) Yes I do. We have done some joint research. She has expertise in doing DNA finger printing work. We did some joint work on White Sweet Clover. We tried to figure out where the invasive populations originated from and how they were related to each other.

14. How long have you worked with complainant?

(Answer) I have worked with complainant for about 4 ½ years.

15. Can you describe what kind of working relationship you have with complainant?

(Answer) We have a very cordial working relationship. We do not see each other a whole lot because we are in different parts of the building. I do however stop by and talk with her every now and then. I think she is a really good researcher. She is a hard worker and I am impressed with what she does.

16. Can you describe what kind of working relationship you have with Dr. Alberto Pantoja, Research Leader?

(Answer) We are generally polite to each other. We don't have any joint projects. We really don't have any outside interaction to speak of. Our relationship is professional but I am kind of wary because of several different firings that have happened during his tenure. I keep my distance but remain polite and cordial.

17. How would you describe the tenor/morale of the work environment where complainant is situated?

(Answer) There is one intervening office between complainant's office and that of Dr. Pantoja. The Administrative Officer, Janis Contento occupies the office between them. My office is down the hall, about 100 yards away, and I am surrounded by the University of Alaska people. I would describe the morale of the unit as poor. I think the Administrative Officer, Janis Contento, tries to foster camaraderie and inclusion. She tries to be the "mother" to us. The Research Leader creates an atmosphere of fear and intimidation. The morale has come up as a topic of discussion. We have had a number of group meetings with facilitators to address different issues. I don't feel there was any improvement.

18. Complainant alleges her supervisor, Dr. Alberto Pantoja treats females differently from her male counterparts (scientists). What have you observed?

(Answer) I guess the most obvious thing was there were no female scientists who were appointed Acting Research Leader when Dr. Pantoja was away from this location. That was remedied. I don't know how that change came about but think it was a result of the initial EEO complaint filed and the findings as a result of that. Also, in meetings the female scientists have been singled out more than their male counterparts by Dr. Pantoja. The females are grilled more on their research and relevance/impact of their work.

19. Were you aware of complainant's allegation of reprisal (opposition to discriminatory practices)? If yes, what knowledge, role, or involvement do you have of this claim?

(Answer) No I was not. I was contacted by the EEO Counselor in the preliminary investigation. Just after the preliminary findings came out, there was an incident during the 4<sup>th</sup> of July weekend. My technician and I were going to do some field work the following week and my technician had to come in and do some work in preparation. She worked some extra hours at some unusual times because she has to schedule her time around her baby on the weekend. When we filled in time sheets reporting this work I was called in to Dr. Pantoja's office. He started yelling at me. He required me to write a detailed narrative of what she was doing. I talked to my technician and followed up and gave him additional information. Basically he said I had changed my story and that it was probably more accurate the first time. It made me afraid. I could not understand why he was reacting in this manner to the degree that he did. It made me think this was reprisal for the testimony I had given as a part of this investigation. So, I wrote a letter to the EEO office and to the Area Office saying that I thought there may be some reprisal happening here. In the initial inquiry I requested to remain anonymous so in the letter I stated I wanted my name to be mentioned in the case so that I would be protected against reprisal. I never heard anything from anybody. I did send it registered mail and have the receipt for that.

**Whether the agency subjected the complainant to discrimination and harassment, based on sex (female) and reprisal (unspecified prior EEO activity or opposition of discrimination) when:**

**Claim 1: on February 26, 2008 she was issued a letter of caution**

20. What knowledge, role, or involvement did you have with this claim?

(Answer) I know the letter of caution was issued. Complainant did not show me the letter but told me about it.

21. Has Dr. Pantoja issued or threatened you with a letter of caution? If yes, please explain.

(Answer) No he has not.

22. Do you have any additional information related to this claim?

(Answer) No I do not.

**Claim 2: she was subjected to threats of termination (dates not provided)**

23. What knowledge, role, or involvement did you have with this claim? What have you observed?

(Answer) I do not have any direct knowledge of that.

24. Has Dr. Pantoja subjected you to threats of termination? If yes, please explain

(Answer) Yes, indirectly. There have been a couple of instances. Once at the science presentation in January 2008, I felt that Dr. Pantoja was being unfair to complainant in his questioning. I stood up and defended some of the things she said. Then when it came time for me to discuss my research he stated that we have two agronomists at Fairbanks doing the work on weeds. He asked why he should keep me rather than the other scientist if there were budget shortfalls. He stated this publicly. Dr. Pantoja pretty much asked all of scientists what impact the research would have. I responded and he pretty much let it go. It seemed with the female scientists he kept grilling them more and more. It appeared to me that he was hostile. His questions were intimidating. What he said was that he was trying to simulate what might be asked at a national meeting or by national staff of our agency. In another instance he asked the

same question about having two agronomists. I can't remember if this happened in Steve Seefeldt's office or Dr. Pantoja's office but Dr. Seefeldt was there. I feel he hasn't threatened me directly but it certainly feels intimidating. After the science presentation meeting, I did come away thinking that we have a great group of people, doing such neat stuff, but after the meeting everyone felt, "Gee, this was horrible."

Instead of praising people he kept knocking people down.

25. Do you have any additional information related to this claim?

(Answer) No I do not.

**Claim 3: she was subjected to public humiliation (dates not provided)**

26. What knowledge, role, or involvement did you have with this claim? What have you observed?

(Answer) I guess there are two instances that I know of. One is the January 2008 research presentation. The second incident happened in the parking lot in the back of our building a couple of years ago. Joe Kuhl, Dr. Pantoja and I were walking from where our offices are located to another building where our labs are located. Complainant was walking toward us. Dr. Pantoja stopped and started yelling at complainant. I don't know exactly what it was about but Dr. Kuhl and I kept walking and didn't want to be a part of it.

27. Has Dr. Pantoja subjected you to public humiliation? If yes, please explain.

(Answer) The only one that I can think of are his comments to me at the research presentation. I still do not understand what his purpose was for making those comments concerning choosing between two scientists. To me it was poor leadership.

28. Do you have any additional information related to this claim?

(Answer) No I do not.

**Claim 4: she was subjected to disrespectful behavior (dates not provided)**

29. What knowledge, role, or involvement did you have with this claim? What have you observed?

(Answer) The incidents I have described above portray Dr. Pantoja's disrespectful behavior towards complainant.

30. Has Dr. Pantoja subjected you to disrespectful behavior? If yes, please explain.

(Answer) Yes, when he asked me twice who he should keep as an agronomist. Also he yelled at me because my technician worked on the 4th of July weekend preparing to do some field work.

31. Do you have any additional information related to this claim?

(Answer) No

**Claim 5: she was subjected to open hostility (dates not provided)**

32. What knowledge, role, or involvement did you have with this claim?

(Answer) I would say the January 2008 presentation and the parking lot incident were confrontational.

33. Has Dr. Pantoja subjected you to open hostility? If yes, please explain.

(Answer) Yes, in his office over the technician incident in July 2008.

34. Do you have any additional information related to this claim?

(Answer) No

**Claim 6: she was subjected to intimidation (dates not provided)**

35. What knowledge, role, or involvement did you have with this claim?

(Answer) See my responses above.



36. Has Dr. Pantoja subjected you to intimidation? If yes, please explain (who, what, where, when, why, and how?)

(Answer) Only the two incidents cited above.

37. Do you have any additional information related to this claim?

(Answer) No

**Claim 7: she was denied the opportunity to act as Research Leader (dates not provided).**

38. What knowledge, role, or involvement did you have with this claim?

(Answer) That was certainly the case. No female scientist, all three, were given the opportunity to act as Research Leader up until August 2008. Basically there was a new policy rotating the acting position in alphabetical order among all of the scientists.

39. Complainant states up until August 1, 2008 all the men in Fairbanks and none of the women had served as acting Research Leader. Was this your observation?

(Answer) This is correct. Those appointed to acting included Dr. Seefeldt, Dr. Fielding, Dr. Bechtel, and me. Dr. Joe Kuhl may have but I am not sure of this.

40. Were you given the opportunity to serve as acting Research Leader? If yes, when?

(Answer) I have and it averaged about once a year.

41. Do you have any addition information related to this claim?

(Answer) No

**Claim 8: she was subjected to having her peer-reviewed publications downgraded to research notes (dates not provided).**

42. What knowledge, role, or involvement did you have with this claim?

(Answer) I know Dr. Pantoja had a policy not to count research notes as peer review publications. This would apply to the Primer Notes that complainant, her technician and I published. It involved research complainant did on how to do the DNA fingerprinting for white leaf clover. There was a lot that went into this research. Complainant was first author and I was third author. I claimed this research toward my required work performance publication. I cannot recall if Dr. Pantoja rejected this credit. At that point we had a policy of one author and peer reviewed to meet our "fully successful" performance rating criteria for publishing. I had another paper in which I was first author and used that to meet this performance criteria. So, it really wasn't an issue for me.

43. Were any of your peer-reviewed publications downgraded to research notes?

If yes, please explain (who, what, where, when, why, and how?)

(Answer) No they have not.

44. How many manuscripts have you submitted to Dr. Pantoja and were they approved by him?

(Answer) Approximately seven. They were approved with minor revisions.

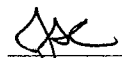
45. Do you have any additional information related to this claim?

(Answer) No

**Claim 9: she was not allowed to hire permanent technicians (dates and provided).**

46. What knowledge, role, or involvement did you have with this claim?

(Answer) I was aware of this claim. The same thing applied to me. I was only allowed to hire a 2 year term employee at the GS-5/6 level. I believe this was a policy that came down from the Pacific West Area. Towards the end of the term, my

  
Initials

technician left because she wanted a permanent position. I looked at the job announcements coming out from USDA and a good number of them were permanent positions. I was able to talk Dr. Pantoja into making my next technician a permanent technician. We made it a GS-6/7 grade level. I still have a permanent technician, GS-7. She has been doing a lot of statistical work above her grade level so I recently sent in some paper work through Dr. Pantoja to have her position reviewed with the possibility of going to a GS-8. This was turned down and I am not sure by whom. I don't know if it was Dr. Pantoja or Human Resources. I did send an e-mail to Dr. Pantoja to find out who made the decision. So far I have not received a response from him.

47. Were you allowed to hire technicians? If yes, how many? Were they permanent or temporary? At what grade level?

(Answer) I have had one permanent USDA technician. I also have hired students on 180-day appointments. I also had some funding outside of USDA and some of the people I have hired have been under that funding as temporaries, GS-4/5.

48. Do you any additional information related to this claim?

(Answer) No

**Claim 10: she was not allowed to hire technicians at GS-7 level (dates not provided)**

49. What knowledge, role or involvement did you have with this claim?

(Answer) I know that was the case for the first technician hired by complainant. That was one of the reasons the technician left. His name is Andrew Krohn and he accepted another job in Wisconsin. The kind of work complainant does is very

technical. The technician complainant first hired had a Masters Degree and really should have been eligible to get up to a GS-9.

50. Have you been allowed/not allowed to hire technicians at the GS-7 level?

(Answer) My second technician we hired at the GS-7 level. She also holds a Masters Degree.

51. Do you have any additional information related to this claim?

(Answer) No

**Claim 11: she received unfair performance appraisals (dates not provided).**

52. What knowledge, role, or involvement did you have with this claim?

(Answer) I only know what complainant has told me. She did not show me her performance evaluations. Both complainant and I talked with some university researchers about the possibility of our participating in a research grant. It was just about preliminary research. I do not know how Dr. Pantoja became aware of it. Possibly complainant talked to him about it. He was basically very upset that he wasn't a part of the talks. He had us in his office. We had to talk to the Area Director. It was a big deal. Complainant got knocked down on her appraisal for this. My performance appraisal was not affected. We found out that it was something that would not fit in easily so we dropped the subject. On any formal grant, we have to fill out various forms so that everyone knows what is going on and to ensure there is no conflict of interest and that sort of thing.

53. Did you agree/disagree with the performance appraisals/ratings you received from Dr. Pantoja?

(Answer) I generally agree with the ratings. Of course, I would like to see them higher.

I do not feel he has been punishing me.

54. Were your ratings favorable?

(Answer) Yes.

55. Have you received performance bonuses for your performance? If yes, how many?

(Answer) I am aware of having received one in the 2007 rating period.

56. Do you have any additional information related to this claim?

(Answer) No

**Claim 12: on September 5, 2008 she was threatened for communicating EEO issues to various other people including the designated contact person for Civil Rights and Workplace Violence issues.**

57. What knowledge, role, or involvement did you have with this claim?

(Answer) I didn't know about that.


58. Did you hear Dr. Pantoja describe employees talking about his/her EEO issues as gossip?

(Answer) Yes. That came up in one of the facilitated retreats we had at Alaska Land. He made the point over and over again that we should not be gossiping about things. There was no discussion as I remember. We just sat there and took it.

59. Have you communicated with anyone concerning EEO issues? If yes, please explain.

(Answer) Yes when I contacted EEO and the Area Office as stated above. I did not contact Dr. Pantoja and I didn't say anything about the incident. My main point was that I wanted my name listed in the proceeding in case retaliation should occur.

60. As a result have you been threatened by Dr. Pantoja for communicating with others?

  
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(Answer) No

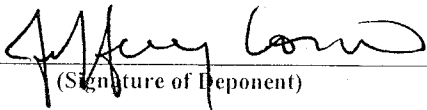
61, Do you have any additional information related to this claim?

(Answer) No

62, Do you have any additional relevant information?

(Answer) I am surprised this situation has been allowed to go on for so long. It seems to me that USDA Administrators must be aware of this and yet it keeps going on and on. I don't think it has affected my mental health that much. I know that the women have been affected. It would be nice to see it resolved.

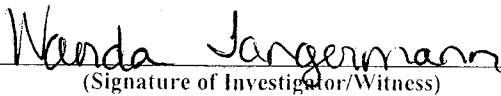
I have reviewed this statement, which consists of 14 pages, and hereby solemnly X swear            affirm that it is true and complete to the best of my knowledge and belief. I understand that the information I have given will not be held confidential and may be shown to the interested parties as well as made a permanent part of the investigation

  
(Signature of Deponent)

February 10, 2009  
(Date)

Signed before me at (Street and City) 905 N. Koyukuk, Fairbanks, AK

on this 10th day of February, 2009

  
(Signature of Investigator/Witness)

  
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