

This material is part of a collection that documents the harassment, discrimination, and retaliation perpetrated against Alaska's women research scientists by their supervisor, with full knowledge (and arguably, "tacit approval") of their federal employer, the USDA Agricultural Research Service (ARS)

WITNESS AFFIDAVIT

I, Dr. Cynthia Bower am X an employee of _____ applicant to _____ former employee of the:

(Agency) U. S. Department of Agriculture
(Office) Agricultural Research Service
(Division) Sub Arctic 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 Food Technologist

Grade 12 between 04 October 2004 and present

My telephone number during working hours is: (907) 474-6732

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.

Cynthia Bower

2. What is your gender?

Female

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

Research Food Technologist, 1362, GS 12

4. What are your major duties?

Research is being conducted in Aquaculture (ARS National Program 106) in a project titled Converting Alaska Fish By-Products into Value Added Ingredients and Products. Research in this broad and complex subject area includes developing economical methods to stabilize discarded fish for later processing, as well as producing new value-added products for industrial uses, agricultural animals, domestic pets, and human consumption.

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

Since 4 October 2004

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

Since 4 October 2004

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

Subarctic Agricultural Research Unit (SARU), Pacific West Area (PWA), Agricultural Research Service (ARS), United States Department of Agriculture (USDA)

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

Fairbanks/Fairbanks North Star Borough/Alaska

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

Dr. Alberto Pantoja, Research Leader (RL)

10. How long has he been your immediate supervisor?

Since 4 October 2004

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

Until January 2008, Dr. Andrew Hammond (Associate Area Director, Senior Executive Service) was my second line supervisor. However, after his promotion to Area Director, a series of ARS employees filled that position in a temporary capacity. Recently, Dr. Robert Matteri (Assistant Area Director, GS 15) was promoted to Associate Area Director.

12. How long has he been your second line supervisor?

See question #11

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

Dr. Winton and I work in the same ARS unit (SARU, Fairbanks, AK). However, we have different research specialties and therefore have never collaborated on any projects or publications. We are the only two female research scientists in SARU's Fairbanks office, so we do share the distinction of being targets of discrimination (e.g. forbidden to be acting research leader because of our gender, assigned extra committee duties because of our gender, denied mentoring because of our gender, etc...)

14. How long have you worked with complainant?

I arrived in Fairbanks in October 2004

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

See question #13

16. How would you describe the work environment where complainant is situated?

The SARU work environment is hostile to women scientists! ARS's own documentation supports the fact that we are treated differently from the men in job-related opportunities. Dr. Winton has been subjected to harassment and extra scrutiny by Dr. Pantoja in an overt manner. In addition to damaging Dr. Winton's career and well-being, Dr. Pantoja's behavior has inflicted extreme stress on me, not just as another target of discrimination, but as a witness to the discrimination against Dr. Winton and Dr. Nancy Robertson (Research Plant Pathologist in Palmer Alaska).

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

I have observed (and experienced) the following:

(a) Discrimination in Career-Building Opportunities, (women scientists were never appointed as acting research leader until August 2008, *AFTER* all three female research scientists had filed formal EEO complaints with USDA)

(b) Discrimination in Committee Assignments, (female scientists were given a disproportionate amount of low-level committee assignments, whereas male scientists were never asked to serve)

(c) Discrimination in Program Resources, (women scientists in Fairbanks were subjected to discrimination while building their research programs when they were denied technicians equivalent to those provided to the male scientists)

(d) Discrimination in Supervisory Stature, (women research scientists were *incorrectly* coded in official paperwork as having no supervisory stature. “8” instead of “4” in Box 7 of the AD 332 Master Record / Individual Position Data form)

(e) Discrimination Against Women by Denying Mentoring, (women scientists were denied all forms of mentoring, predominantly due to the research leaders lack of expertise in our scientific fields, but also due to the research leader’s propensity to mentor only male scientists for career advancement)

(f) Discrimination during Conflict Resolution Training, (women scientists were treated differently than the men when Dr. Pantoja scheduled each woman to speak first in her project group, and then verbally harassed each woman during questioning)

18. 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?

I was informed by Dr. Winton that she had been a target of reprisal by Dr. Pantoja:

- **Dr. Winton had engaged in a protected activity (grievance writing)**
- **The research leader and ARS administrative personnel were aware that she had participated in a protected activity**
- **During her annual appraisal the research leader rated Dr. Winton lower than was warranted (which constitutes an adverse action)**
- **I believe that the adverse action (loss of professional stature and denial of “bonus” income) was causally linked to the protected activity**

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

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

I was informed about the *inappropriate* Letter of Caution by the complainant, although I had never heard about Letters of Caution before (e.g. they are a local form of power available for supervisors who wish to unilaterally inflict punitive actions on their employees in a manner that is non-grievable through higher ARS administrative personnel)

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

Another SARU female research scientist (Dr. Robertson in Palmer Alaska) also inappropriately received a Letter of Caution at approximately the same time, suggesting that Dr. Pantoja had recently discovered the letter of caution “tool” and was wielding it in a retaliatory manner against female scientists who had accused him of discriminatory behavior against women)

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

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

I was directly informed by Dr. Winton of this occurrence (“retain or *not* retain”), and I also was at the same table when Dr. Winton informed ARS administrative personnel at PWA’s new SY training (January 2005, Albany California)

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

No

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

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

I was informed by Dr. Winton of several incidents of public humiliation by Dr. Pantoja, but I was usually not present as a witness. However, in January 2008 (Conflict Resolution training by visiting ARS employee Jeff Schmitt), Dr. Pantoja verbally harassed and humiliated Dr. Winton to the extent that two SARU employees had to intervene.

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

No

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

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

I was informed by Dr. Winton of numerous occasions of shouting and other disrespectful behavior by Dr. Pantoja, but I was usually not present as a witness. However, in January 2008 (Conflict Resolution training by visiting ARS employee Jeff Schmitt), Dr. Pantoja verbally harassed Dr. Winton to the extent that two SARU employees had to intervene.

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

A University of Alaska police officer (Syrilyn Tong) presented information to SARU personnel in September 2008 concerning the nature of workplace violence, and Dr. Winton recognized that (from a legal standpoint) she had been recently “assaulted” by Dr. Pantoja when his behavior had turned verbally abusive.

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

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

With Dr. Pantoja, disrespect can escalate into open hostility, (see answers #25 and #26 above)

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

No

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

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

With Dr. Pantoja, intimidation can escalate into disrespect and open hostility, (see answers #25 and #26 above)

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

No

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

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

All female research scientists at SARU were excluded from the career-building opportunity of serving as acting research leader, which has a negative impact on promotion potential, as well as being detrimental to professional stature and future employment opportunities. ARS documents conclusively prove that Dr. Pantoja does NOT equally apportion opportunities among the research scientists he supervises, (e.g., no woman had ever been appointed acting research leader in

Alaska, whereas every male research scientist in Fairbanks had been asked to serve, including GS 12 level scientists and those still on probation). It was only after all three female research scientists filed formal EEO complaints with the USDA describing employment discrimination on the basis of sex (prohibited by title VII of the Civil Rights Act) that a rotation plan was proposed (01 August 2008) to allow women to serve as acting research leader. *There is ample documentation of this event and there can be no genuine issue of material fact concerning the gender discrimination perpetrated against all the women scientists at SARU until August 2008.*

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

ARS administrative personnel at PWA (Drs. Buxton, Hammond, and Matteri) have known about this discriminatory treatment against women since at least 2005, and the issue has been raised in grievances and communiqués many times since. However, ARS administrators refused to follow the law (title VII of the Civil Rights Act), thereby giving tacit approval (if not active encouragement) to Dr. Pantoja’s acts of discrimination against the women scientist’s of SARU.

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

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

I was informed of this situation by Dr. Winton, but I do not publish my research in the plant pathology journals that are affected by Dr Pantoja’s policy, (nor do any of the male scientists in the unit).

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

No

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

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

Women scientists in Fairbanks were subjected to discrimination while building their research programs when they were denied resources equivalent to those provided to the male scientists. In 2004 and 2005, four newly hired scientists (two women and two men) were instructed to hire their technicians as GS 5 temporary employees. By 2007, every male scientist in Fairbanks (regardless of GS level, length of time in Alaska’s ARS unit, or CRIS project assignment) had a permanent technician, whereas the two female scientists still have technicians with limited term appointments, (ensuring continual program disruption as the technicians are recruited, hired, trained, then lost to permanent employment elsewhere). To combat growing complaints of discrimination within the unit

(after all three women scientists filed formal EEO complaints with the USDA), the research leader announced that all research scientists were now allowed to hire permanent technicians. It is now 2009 and the two female scientists in Fairbanks still have technicians with term positions, despite having requested permanent appointments in the budget (ARMPS) every year. The proposed upgrade to permanent technicians offered by the research leader last August was disingenuous since technician positions cannot be changed noncompetitively from temporary to permanent without advertising the position to all qualified applicants. The affected technicians were unwilling to risk losing their jobs prematurely. Consequently, the disparate treatment of the two female research scientists in Fairbanks will persist until both technician positions are re-announced at the end of their term appointments.

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

There is documentation of the events listed above and there can be no genuine issue of material fact concerning the gender-based discriminatory practices levied against women scientists in Fairbanks during the technician hiring process

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

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

Dr. Pantoja does not apportion resources equally among the scientists he supervises...

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

No

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

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

I was informed of the situation by Dr. Winton

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

All of the women research scientists in Fairbanks believe that they have received unfair performance appraisals, (i.e. I have also submitted an EEO claim of reprisal against Dr. Pantoja since I believe I was the target of retaliation when he issued me a lower than warranted annual appraisal). To the best of my knowledge, none of SARU's male research scientists have ever filed complaints concerning their performance appraisals during Dr. Pantoja's reign.

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.

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

I am one of many people Dr. Winton confided in after she was subjected to abusive treatment by Dr. Pantoja. This form of “direct communication” after an incident was labeled as “gossip” by Dr. Pantoja and we were repeatedly cautioned against it.

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

In an attempt to stop the spread of information within the unit, I was once “counseled” by Dr. Pantoja not to associate with certain scientists (and although he did not list her by name, the conversation clearly specified Dr. Winton)

43. Do you have any additional relevant information?

Grievances and other communiqués conclusively demonstrate that Dr. Winton and all the female Category 1 Research Scientists at SARU have complained about the egregious discrimination against women. This level of abuse could not have occurred without the tacit approval of ARS administrative personnel (Dr. Andrew Hammond, Dr. Robert Matteri, and Dr. Dwayne Buxton *retired*).

I have reviewed this statement, which consists of 9 pages, and hereby solemnly _____ 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)

(Date)

Signed before me at (Street and City) _____

on this _____ day of _____, 2009

(Signature of Investigator/Witness)