

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. Nancy Robertson 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) Palmer, AK 99775 99645-NLR

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

Research Plant Pathologist

Grade GS-12 between Sept. 1998 and present

My telephone number during working hours is: 907-746-9465

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.
Nancy L. Robertson
2. What is your gender?
Female
3. What are your job title, occupational series, and grade?
Research Plant Pathologist, 0434, GS-12
4. What are your major duties?
Identify and characterize plant pathogens (emphasis on plant viruses) in plant species in the Subarctic Plant Germplasm Collection, crops, and native plants in Alaska
5. How long have you been in your present position? Date?
10 years, 4 months, Sept. 1998 - Present
6. How long have you worked for the Federal government?
About 15 years
7. What is the organizational name of the unit/branch/section/division to which you are assigned? **Subarctic Agricultural Research Service (SARU)/ Pacific West Area (PWA)/Agricultural Research Service/ United States Department of Agriculture (USDA)**
8. Where is your duty station located? City/County/State?
Palmer/Matanuska-Susitna 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?

5 years, 10 months (April 2003 to present)

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

Dr. Robert Matteri, Associate Area Director, GS-?

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

Officially ~ December 2008 to present

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

Yes. We are both plant pathologists with different specialties - Dr. Winton's research focuses on fungal pathogens, and I study plant viruses. I am stationed ~300 miles from her site. We represent two of the three plant pathologists in Alaska (the other plant pathologist is a professor with the University of Alaska in Fairbanks). We discuss and share information pertaining to Alaska diseases in general. We also collaborate on research projects that require both of our specialties. For example, Dr. Winton is an assigned collaborator on my five year Project Plan associated with diseases of small fruits in Alaska. We also collaborate together with a UAF professor on diseases of peony plants in Fairbanks.

14. How long have you worked with complainant?

Since Dr. Winton's arrival in June 2004

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

Dr. Winton's duty station is about 300 miles north (Fairbanks) from my laboratory/office site in Palmer. We discuss research projects by phone and e-mail, and conduct on-site field surveys together in Fairbanks and Palmer.

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

The work environment for all three female research scientists in SARU (Dr. Winton, Dr. Cynthia Bower, and I) is extremely hostile, especially when compared to the male counterparts. Dr. Winton's office is next to Dr. Pantoja's secretary's office and within 20 feet of Dr. Pantoja's office. Dr. Winton's movements are so closely monitored and scrutinized that she is forced to close

her door. This is in sharp contrast with a neighboring male scientist, Dr. Steven Seefeldt, whose door is left open without fear of being watched.

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

Dr. Pantoja has zero tolerance for female scientists as researchers when compared to male counterparts. The unit currently has four female scientists (three Cat. 1 (research) and one Cat. 4 (service), and six male Cat. 1). I believe that female scientists are only hired by Dr. Pantoja to fulfill the quota, and unfortunately, within a short time after their arrival, Dr. Pantoja openly displays his overall contempt and disrespect toward female scientists by practicing the following discriminatory acts that are never leveled against male research scientists:

Supervisory Roles:

- **Female Scientists are only allowed to create new technician positions at non-permanent and lower rank than their male counterpart.**
- **Only male scientists (Dr. Bechtel, Dr. Fielding, and Dr. Pantoja) have had Post-Doctorate scientists work in their laboratory.**
- **Dr. Kuhl (entry level scientist) was assigned three technicians to supervise, while I was allowed only one technician.**
- **No female scientist was allowed to be acting research leader until August 2008, and that was only after all the female scientists had filed with the ARS informal EEO.**

Public humiliation: During staff meetings (that also include technicians and office personnel) or in front of other scientists, Dr. Pantoja openly criticizes female scientists on their research. For example, Dr. Pantoja's is currently campaigning against Dr. Winton and I for discovering novel pathogens of plants, and publicly denounces our efforts as not important!

Committee Assignments: Female scientists are assigned to time consuming committees that are not beneficial for career-building and promotion.

Research Project meetings: Denial of active participation in meetings relevant to research (i.e. not allowed to speak without first being chastised, or ostracized in general). To my knowledge, all three research scientists have experienced this type of discrimination from Dr. Pantoja.

Project Plans. I was continuously badgered and unjustly criticized by Dr. Pantoja in preparing our five years Project Plan in 2007/08. Had I not involved the PWA Area Director (Dr. Dwayne Buxton), Dr. Pantoja would have eliminated all molecular research in my program, and have reduced it to non-publishable surveys. Dr. Winton is now experiencing a similar problem in writing her new Project Plan.

Peer-Reviewed Publications. No male scientist in SARU has been threatened for job loss by lack of publications. For example, Dr. Winton was continuously threatened that she would not be retained during her first two years in SARU if she did not meet the two publications/year. In contrast, Dr. Joel Kuhl, was never threatened (he did not meet the requirements during his first two years whereas Dr. Winton exceeded the minimum requirements). Additional, to my knowledge, Dr. Winton and I are the only ARS scientists nationwide that were not allowed to have published Disease Notes (in the journal Plant Disease) count as peer-reviewed as determined by Dr. Pantoja.

16. 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?

Yes, I was initially made aware of Dr. Pantoja's unfair practices toward Dr. Winton in June 2005. Dr. Winton phoned me for perhaps the first time, and asked if I had experienced discrimination from Dr. Pantoja. She was fairly shaken about an incidence with Dr. Pantoja shouting at her in the UAF parking lot. She then outlined how he was continuously threatening her of losing her job if she did not publish. I was shocked that he would duplicate the same discriminatory tactics toward Dr. Winton that he practiced against me. Dr. Winton was the second female scientist to be hired in the unit. I had filed an informal EEO complaint against Dr. Pantoja in 2004, and only dropped the case

This affidavit indicates that Dr. Dwayne Buxton was aware of Dr. Pantoja's unlawful harassment and discrimination against ARS's women research scientists, (although we will probably never know why he did not support U.S. anti-discrimination laws and curtail Dr. Pantoja's illegal activities).

This affidavit indicates that Dr. Andrew Hammond was also aware of Dr. Pantoja's unlawful harassment and discrimination against ARS's women research scientists.

when I felt the agency did not take discriminatory issues seriously (i.e. the EEO counselor told me to live with it, and the Assistant Area Director, Dr. Andrew Hammond, treated me with sarcastic behavior. When I received a phone call from Dr. Winton's assigned informal EEO investigator (Shirley Fletcher) in 2008, and I confirmed discriminatory practices toward all the female scientists by Dr. Pantoja in the unit, she encouraged me to file a complaint with EEO again.

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

17. What knowledge, role, or involvement did you have with this claim? Dr. Winton notified me about the Letter of Caution soon after she had received it. She had previously told me about Dr. Pantoja's unjustifiable claim in the letter. Do you have any additional information related to this claim?

Yes. Based on Dr. Pantoja's predictable pattern of retaliation, I also received an inappropriate Letter of Caution that week. I believe that this was an act of reprisal from Dr. Pantoja when I requested a Cooperative Resolution Program mediation session with Dr. Pantoja and the Conflict Resolution Training for the unit in January 2008.

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

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

Dr. Winton phoned me on June 16, 2005 and stated that Dr. Pantoja was continuously threatening her that she would not be retained (i.e. lack of publications, non-communication, etc.). Threats of termination were also stated in the Letter of Caution to Dr. Winton from Dr. Pantoja.

24. Do you have any additional information related to this claim? No

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

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

Jan. 15, 2008, I witnessed (along with all the technicians, office staff, and Jeff Schmitt (Human Resources), Dr. Pantoja's unjustified attack on Dr. Winton's research presentation. I believe that everyone was shocked and embarrassed, with perhaps the exception of Jeff Schmitt.

20. Do you have any additional information related to this claim? **Dr. Bower, Dr. Winton, and I continue to be humiliated in front of co-workers. I believe that it is especially unprofessional when Dr. Pantoja actively involves research technicians and office staff to witness his degrading discriminatory actions toward the female scientists.**

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

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

Dr. Winton has reported Dr. Pantoja's ubiquitously disrespectful behavior toward her to me. As previously stated, I witnessed Dr. Pantoja's attack on Dr. Winton during her research presentation for the unit.

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

Yes. All female research scientists in the unit were aggressively attacked by Dr. Pantoja during their research presentations in January 2008; none of the male scientists were questioned by Dr. Pantoja in such a condescending and disrespectful manner during their presentations.

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

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

Dr. Winton reported a number of incidences to me that were obviously open hostility. One incidence in particular that occurred in 2008, involved Dr. Pantoja barging into her office without knocking, and shouting demands.

24. Do you have any additional information related to this claim? **Yes. All female research scientists are treated with open hostility by Dr. Pantoja.**

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

25. What knowledge, role, or involvement did you have with this claim? **Dr. Winton informed me about incidences that involved intimidation that usually included detrimental consequences and threats of dismissal if not carried out as ordered.**

26. Do you have any additional information related to this claim? **Intimidation is one of the most common elements included in Dr. Pantoja's tactics to frighten female research scientists- mainly aimed at eventual job dismissal.**

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

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

Female scientists were not selected to act as Research Leader by Dr. Pantoja during his absences until August 1, 2008, following Dr. Winton's informal EEO complaint in which she made an issue of this.

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

I was in fact the first female allowed to act as Research Leader on August 1-4 (note, after I had been with the unit over 10 years!). This was a half-hearted token, since I was notified on a Thursday to act for the following Friday afternoon, weekend, and Monday. To my knowledge, no male scientist has acted as RL during a weekend. To my knowledge, when an appointment includes a weekend, the dates of that weekend are excluded from the appointment dates.

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

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

Yes, Dr. Lori Winton informed me that some of her peer-reviewed publications were downgraded to research notes on the dates that they were submitted.

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

Yes, I believe that in Dr. Pantoja's attempts to discredit my publications in his efforts to remove me from my position, he downgraded all peer-reviewed journal articles that were published as Disease Notes (including two articles that had been approved as peer-reviewed by the former Research Leader!).

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

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

I had knowledge from Dr. Winton that she was not allowed to hire permanent technicians (two-year term, and at a low grade of GS-5).

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

Yes, all other male research scientists were given permission to hire permanent technicians. Dr. Pantoja hired his technicians in Fairbanks as permanent and higher grades (GS-9); his technician on the Palmer site was initially hired as two-year term, promoted to GS-6 after the first year, then after two years, reinstated as a permanent.

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

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

Dr. Winton verbally told me about the hiring restriction implemented by Dr. Pantoja.

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

Yes. At this time, to my knowledge, all the male research scientists have permanent GS-7 level technicians (or higher) while Dr. Winton has a term GS-5/6 technician. My technician left in December 2008, and was at a GS-8 level (permanent) because the position was created before Dr. Pantoja's arrival to the unit.

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

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

(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 leader's 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:

This page is from Dr. Bower's affidavit and was inappropriately inserted into Dr. Robertson's affidavit (as page 655) by USDA staff when they were compiling Dr. Robertson's Report of Investigation for EEOC.

Dr. Winton verbally informed me about her unfair performance appraisals ratings as they occurred. In fact, in 2006, Dr. Pantoja was so eager to give Dr. Winton a poor performance, that he added the total points incorrectly (lower) AND PWA actually approved the poor rating based on faulty arithmetic. This demonstrates administrators' indifference to poor ratings by not checking all the facts for verification.

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

The performance appraisals are exceedingly subjective, with Dr. Pantoja making up the rules as he rates the appraisals. Dr. Pantoja unfairly rewards the male scientists when compared to female scientists.

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.

37. What knowledge, role, or involvement did you have with this claim? **Dr. Winton informed me of the incidence.**

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

Yes. A monthly SARU newsletter contained an article that alerted the employees not to gossip or listen to gossip, with possible implications directed toward the female scientists.

39. Do you have any additional relevant information?

Yes. If I had time, I could write a book on Dr. Pantoja's discriminatory behavior toward female research scientists on a daily basis since his arrival over five years ago. The readers would be amazed that this type of behavior is allowed, tolerated, and supported by Dr. Pantoja's administrative superiors. This is 2009!

I have reviewed this statement, which consists of 10 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

Nancy L. Robertson
(Signature of Deponent)

2/03/2009
(Date)

Signed before me at (Street and City) 9550 E. Tern Dr.

on this 3 day of February, 2009

E. Dean Smith
(Signature of Investigator/Witness)