

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)

COMPLAINANT'S AFFIDAVIT

I, (name) Cynthia Bower

am an employee of _____ applicant to _____ former employee of the U.S. Department of Agriculture:

(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, Alaska

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

Research Food Technologist

Grade GS-12 between (date) 04 October 2004 and (date) present

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

I HAVE BEEN ADVISED OF THE FOLLOWING:

I have an obligation to cooperate fully with the investigator, who has been assigned to conduct a thorough and impartial investigation of my complaint of discrimination. Therefore, I must provide a statement for the investigative record which is true and complete to the best of my knowledge and belief and which fully addresses the issues accepted for investigation. My statement must be specific with regard to names, dates, places, circumstances and related events, and disclose my firsthand knowledge of any directly related information which is relevant to the issue(s). My statement, along with my Informal Complaint, Counselor's Summary Report, my Formal Complaint, and the description of the issue(s) for investigation shall serve as the basis for the investigation. While I may voluntarily submit any additional documents of information to the investigator for consideration, it will be the investigator's responsibility to determine what evidence shall actually become part of the investigative report. If there are any documents or facts, which substantiate my allegations, I must provide them to the investigator or make them known to the investigator. I may suggest witnesses to be interviewed by the investigator. However, the investigator will decide which witnesses to interview based on relevant information he or she feels will be furnished.

My statement is made under oath (or affirmation), without a pledge of confidentiality, in accordance with the rules, regulations policies, and procedures of the Equal Employment Opportunity Commission and the Department of Agriculture. This means that any employee(s) whom I accuse of discrimination or other acts of impropriety may be shown relevant portions of this statement and be given an opportunity to respond. Agency officials responsible for processing complaints of discrimination will have access to the entire investigative report. If discrimination is found, any employee accused of discrimination will have an opportunity to review a sanitized version of the report. If discrimination is found and disciplinary action is proposed, the employee accused of discrimination will have an opportunity to review the report in its entirety without deletions. Participants in the discrimination complaint process are specifically protected by law and the EEO regulations from any acts of reprisal, discrimination, coercion, harassment, restraint, or inference for their participation in the investigation and other phases of complaint processing.

I have the right to be represented by a person of my choice during presentation of my complaint and preparation of my statement (as long as my choice does not result in a conflict of interest). I have have not _____ chosen a personal representative at this stage of my complaint. In the event I have not chosen a representative but obtain a representative at a later date, I will advise the investigator and the Director of the Civil Rights Center in writing..

I have the right to review my statement prior to signing it, and may make initialed corrections if it is incomplete or inaccurate. I have a right to receive a copy of the signed statement.

Having reviewed the preceding information with the investigator, I solemnly _____ swear affirm that the statement that follows is true and complete to the best of my knowledge and belief, and fully addresses the issues and allegations raised by me in my EEO complaint.

1. Please state your name for the record.

Response: **Cynthia Bower**

2. What is your gender?

Response: **Female**

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

Response: **Research Food Technologist, 1362, GS 12**

4. What are your major duties?

Response: **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 positions? Date (month and year?)

Response: **Since 4 October 2004**

6. How long have you been employed by the Federal government?

Response: **Since 4 October 2004**

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

Response: **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/Borough/State?

Response: **Fairbanks/Fairbanks North Star Borough/Alaska**

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

Response: **Dr. Alberto Pantoja, Research Leader (RL)**

10. How long has he been your immediate supervisor?

Response: **Since 4 October 2004**

11. Describe what kind of working relationship you have with your immediate supervisor.

Response: Until December 2007, our working relationship was friendly. I was aware of problems between Dr. Pantoja and the other women, but I tried to follow all the rules, respond promptly to his requests, and stay on his “good side” so that I would not be targeted for the same abuse that the other women were receiving. However, I was painfully aware that women scientists in the unit were treated differently than our male counterparts, (e.g. women scientists were denied the career-building opportunity of serving as acting research leader, and women scientists were given a disproportionate amount of low-level committee assignments).

In 2007 I was required to undergo the Research Position Evaluation System (RPES), which is the de facto “promotion” system within ARS, since there are no other methods offered to scientists to attain a higher GS-level. It was about that time that Dr. Pantoja changed his manner of interacting with me.

Previously, when I asked about my chances of being promoted within the ARS, Dr. Pantoja had always said that the step between GS-12 and GS-13 was a small one (implying that I would likely receive a promotion). Since I had earned good performance appraisals each year (and never received any indication from Dr. Pantoja that there were any areas needing improvement), I assumed that I would succeed. However, as 2007 progressed, Dr. Pantoja changed his story and informed me that not every GS-12 is promoted to GS-13 (suggesting that for reasons he was unwilling to disclose, I would probably not be receiving a promotion). I touched upon the subject with him several more times in the summer of 2007 and it became clear to me that he did not support my promotion.

When my promotion was denied (December 2007), all interactions with Dr. Pantoja became unpleasant and I attempted to avoid him entirely. When he initially came to my office to announce that I was going to remain a GS-12, he admitted that he had not supported my promotion. I was distressed by what I perceived as career-sabotaging betrayal and I did not wish to continue talking about it at that time, so I requested that we discuss the subject later. He did not leave my office but continued to converse, despite my obvious discomfort. After that incident I avoided him whenever possible but was sometimes unable to escape his “counseling”, where he tried to convey the message that I should just accept what happened and not draw any more attention to a situation that I considered unfair. During this time I carefully perused my official employment records and found that he and the RPES panel had previously engaged in misconduct during my 2004 hiring. I filed my first grievance against Dr. Pantoja on Dec 27th 2007. Our working relationship deteriorated throughout the year as I refused to tolerate the inequities he had established in the unit. I filed grievance after grievance in my futile attempts to align the ARS with U.S. laws (as well as

the agency's own regulations). By June 2008, after I filed an EEO claim with ARS, Dr. Pantoja and I continued to interact in a professional, but predictably cool manner. Currently I have curtailed my visits to the third floor ARS office (Administrative Officer, unit secretary, and accounting technician) in an attempt to avoid Dr. Pantoja altogether.

12. Who is your second level supervisor? Name and job title?

Response: **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.**

13. How long has he/she been your second level supervisor?

Response: **See question #12**

14. Describe what kind of working relationship you have with your second level supervisor.

Response: **Dr. Hammond was the recipient of many of my grievances. He has been well aware of the problems facing the women scientists in Alaska's ARS unit since 2005, but he gives the impression of being supremely unconcerned. He has never contacted me to discuss the situation. During his visit to Fairbanks last July, he scheduled a one-hour meeting with the aquaculture project's two scientists, then proceeded to talk exclusively to the other scientist for 55 minutes, addressing me only at the end to note that I was awfully quiet. (Their topics of conversation did not involve my lab and I couldn't have gotten a word in edgewise even if I had wanted to join their conversation.)**

15. How would you describe the working environment where you are situated?

Response: **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. Accepting employment with the ARS has been detrimental to my career, my health, and my well-being, and it grieves me that the abuses occurring here are so widely known, yet year after year, ARS administrators allow the situation to continue. 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. Lori Winton (Research Plant Pathologist in Fairbanks Alaska) and Dr. Nancy Robertson (Research Plant Pathologist in Palmer Alaska). The SARU working environment has degraded the quality of my life to one of constant tension and despair.**

16. You allege discriminatory harassment. Can you show the agency knew or should have known of the harassment in question and failed to take prompt remedial action? Please describe in detail (who, what, when, and how your employer knew or should have known of the harassment.

Response: Of course the agency knew! The other women scientists have been bringing it to their attention since 2005, and I noted the inequities in my first grievance in 2007. It's now 2009! Some of the instances of discrimination were clandestinely corrected (e.g. committee rotation, acting RL), but some still remain and reprisal for our EEO activities continues. The agency did not follow US laws. The agency did not even follow its own regulations. In early 2008, after the situation had become intolerable, I asked for a transfer as part of my grievance relief. As usual, my grievance was trivialized and my relief denied. The situation for the women scientists of SARU is dire, and the *only* reason it persists is because the ARS administrators are willfully allowing it.

17. What remedial action did you ask to be taken?

Response: I've made many requests in my (many) grievances. I asked for the harassment to stop. I asked for an investigator to be sent to SARU to uncover the truth. I asked for fair and equitable treatment. I asked to be transferred away from the abusive situation. However, ARS administrative personnel always refused to stop the discrimination against SARU's women research scientists.

18. Describe how the harassment has affected a term, condition or privilege of your employment.

Response: The *illegal* discrimination targeted against all the female research scientists of SARU has negatively affected my career, my promotion potential, my current and future incomes, my health, happiness, and sense of well-being.

Claim 1: On July 2, 2004, after you accepted the verbal offer of the Research Food Technologist position, GS-13/14, your supervisor said that the position had to be evaluated by the Research Position Evaluation System (RPES) panel.

19. Did you apply for the position under vacancy announcement number ARS-X4W-0138-USAJOBS?

Response: Yes, I applied for ARS-X4W-0138 in early 2004. In September 2004 I was offered an ARS research position at lower GS and salary levels than the advertised position (GS 13/14) despite ten years of research experience, an ARS finding of superior qualifications and a suggested salary of \$64,980 specified by the US Department of Labor as being appropriate for food scientists in Alaska. The decision to withhold the advertised GS level was made by an ARS ad hoc Research Position Evaluation System (RPES) Panel, despite the officially certified GS 13/14 position description. Panel members chose to inappropriately lower the point values for Factors I and II (factors which related to the job announcement, NOT my qualifications) to produce a score with a salary almost \$10,000/yr lower than advertised. This decision was fully supported (if not entirely orchestrated) by Dr. Pantoja as evidenced by his initial proposal of the lower salary when tentatively offering me the job two months before the RPES panel met. I was not fully aware of these events until my Official Personnel File became available online in November 2007. In retrospect Dr. Pantoja's initial "low" salary suggestion is consistent with the pervasive discrimination targeted at me and the other two women scientists working in Alaska's ARS unit. I strongly believe that I was devalued by Dr. Pantoja (and the ARS administrators who oversaw and approved my initial hiring) on the basis of my gender.

20. Did you meet the basic requirements of the job and have 1 year of specialized experience equivalent to the GS-12 level in the Federal service?

Response: Of course! I was a PhD-level scientist with over 10 years of research experience. I easily qualified at the GS-13/14 level, as evidenced by ARS's own officially certified list containing all qualified applicants.

21. Who verbally offered you the GS-13/14 position on July 2, 2004?

Response: **Dr. Pantoja (by telephone)**

22. Was the verbal offer of employment rescinded? If yes, why?

Response: **No.**

23. What is the RPES panel? What is its mission?

Response: The Research Position Evaluation System (RPES) is the de facto "promotion" system within the ARS, since there are no other methods offered to scientists to attain a higher GS-level. An RPES panel is a group of upper-GS-level ARS employees who assemble in secret to judge the careers of other scientists based almost entirely on subjective criteria. Although ARS freely refers to panel members as "peers", the RPES panel members often have inadequate knowledge in some of the fields in which they are asked to render judgments. This can result in an adverse affect on the careers of other ARS

scientists. Panel members rely to some extent upon the case write-up provided by each scientist, but they never directly contact scientists who are undergoing RPES. Instead, the panel *REQUIRES* input from the research leader. In cases where a male research leader discriminates against the women in his unit, this testimony (never checked for veracity) can be disastrous. Information about a scientist's career can also be sought from friends, colleagues, competitors, and adversaries (although the panel has no method for categorizing the witnesses and weighing their testimony accordingly). Consequently, the RPE system is, by design, a highly subjective process, which can result in a violent assault on a scientist's career, such as occurred in my career in September 2004 and again in December 2007. In September 2008, Dr. Eric Jang, an experienced panel chair for RPES, presented promotion information to SARU personnel in Fairbanks. During his presentation Dr. Jang admitted that the RPE panel makes a correct determination only about two times out of three. Dr. Jang, a GS-15, showed no concern or remorse concerning these statistics and offered no apology for the one-out-of-three scientists who's careers were damaged by the inaccuracy of his secret panel deliberations.

24. Who is on the panel?

Response: **Panelists are protected by a cloak of secrecy since their RPES judgments have an error rate of 33%. See Question #23.**

25. What were the RPES conclusions/results concerning the Research Food Technologist position?

Response: **Everything is secret, so no records of the panel discussions are kept, (i.e. paper is required to be shredded and any CDs containing data are required to be scratched until unreadable). Cryptic results are issued to the scientist by the panel, but since the panel is not using measurable, objective criteria (e.g. number of publications, citations per publication to show impact, etc...) to judge the scientists, they cannot provide meaningful reasons concerning why a promotion was denied. The RPES panel in charge of my initial hire engaged in blatant misconduct in order to achieve the lower GS-level result, (see question #19).**

26. How were you notified of the results? By Whom? What action did you take?

Response: **I was informed by Dr. Pantoja (by telephone) that I would be hired as a GS-12. When I reminded him of the criteria for GS-13 (criteria which we both knew I fully met), Dr. Pantoja reminded me that "there were two other people who wanted this job" (referring to the other applicants). I accepted the job, fully believing that I would receive fair treatment and be rapidly promoted. At no**

time did Dr. Pantoja mention that GS-12 scientists are only eligible for promotion every three years.

27. What was your employment status between July and September 2004?

Response: **I quit my Oregon State University job and prepared for the move to Alaska. Eventually, after the long delay with no news from ARS, I started looking for work again. I interviewed for several positions in Oregon.**

28. Was the vacancy announcement at the GS-13 level canceled? If yes, when?

Response: **Yes, presumably at the same time they issued the GS-12 announcement**

29. How were you treated differently from similarly situated employees not in your protected group (name and job title)?

Response: **The larger picture must be considered when relating my lower-than-deserved GS-level with discriminatory treatment against women. Statistics clearly show that ARS does not recruit, promote, and/or retain women scientists at the same rate as the men. Taken in that context, the RPES-panel misconduct that occurred during my hiring was symptomatic of an established pattern.**

30. Can you identify any witness who has direct relevant information related to this claim (name and job title)?

Response: **I have no witnesses, just material evidence.**

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

Response: **This claim was also addressed in several of my grievances (2007/2008).**

Claim 2: On September 16, 2004, your supervisor offered you the re-evaluated Research Food Technologist position at the GS-12 level.

NOTE: The position was never re-evaluated. Only candidates are evaluated. Had another applicant been selected, the job may have been offered as a GS-13 or GS-14. The ARS does not follow defined "objective" criteria when selecting candidates, nor does it follow its own written criteria. Consequently, hiring decisions can be manipulated, resulting in the current situation where women scientists are not recruited, promoted, and/or retained at the same rate as their male counterparts.

32. When your supervisor offered you the position at the GS-12 level, was the vacancy re-announced at the GS-12 grade level?

Response: **The vacancy was re-announced for five days (August 30th to Sept 3rd) without my knowledge. I was automatically entered into the list of applicants by the agency and ultimately selected for the position.**

33. Did you have to reapply at the GS-12 level?

Response: **See question #32**

34. What were you told?

Response: **I was merely told that the RPES panel had judged me to be a GS-12. I discovered the 5-day job announcement later.**

35. What did you do?

Response: **I am a hard worker, a skilled scientist and am highly creative. I accepted the job and headed to Alaska a few weeks later, willingly putting aside the RPES panel's error because I was confident that I could regain the promotion through my own efforts.**

36. Did you accept the position?

Response: **See question #35**

37. What was your start date?

Response: **October 4th, 2004**

38. How were you treated differently from similarly situated employee not in your protected group (name and job title)?

Response: **The larger picture must be considered when evaluating this situation. Statistics clearly show that ARS does not recruit, promote, and/or retain women scientists at the same rate as the men. Taken in that context, the RPES-panel misconduct that occurred during my hiring was symptomatic of an established pattern.**

39. Can you identify any witness who has direct relevant information related to this claim (name and job title)?

Response: **I have no witnesses, just material evidence.**

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

Response: **Not at this time**

Claim 3: Since you began, your supervisor has not promoted you.

41. Why do you believe you should be promoted?

Response: **One out of every three scientists is judged incorrectly by the RPES panel, according to RPES panel chair, Dr. Eric Jang. I meet ARS criteria for GS-13 (and in some aspects, GS-14 and GS-15 level qualifications as well), according to the only written description I have ever found. Unfortunately, RPES panels do not follow objective, “measurable” criteria when assigning GS-levels.**

42. To what grade do you believe you should be promoted and do you meet the qualifications for that grade?

Response: **Currently there are no established “objective” criteria for assigning GS-levels. Since there are no measurable qualifications, RPES panels are relatively free to promote (or hold back) whomever they please. In 2004 I qualified as a GS-13 scientist, but was hired at a lower level. Now, in 2009 after over 4 years of discrimination, harassment, and career damage, I’m still GS-12 and I’ve lost my opportunity to ever be promoted beyond GS-13 through the subjectivity of the RPE system.**

Immediate promotion to GS-14 step 8 would initiate the process of restoring my professional status, as well as shield me (to some extent) from the reprisal I have experienced (and will continue to be subjected to) from ARS personnel because of my EEO activities. This is because GS-14’s and 15’s are accorded a higher degree of protection within the ARS (Directive 461.5 Misconduct, Discipline, and Adverse Action, which specifies that the Area does not have delegated authority over GS 14 and higher). My request to be reclassified as a GS 14 should be viewed as a legitimate attempt to protect myself from further abuses of power by agency supervisory personnel.

Fortunately, my promotion can be easily processed at the Pacific West Area level, since it falls within ARS policies (P&P 420.1 Merit Promotion, concerning “Promotion resulting from the upgrading of a position without a significant change in duties and responsibilities when the action results from the issuance of a new classification standard or the correction of an initial classification error”).

A GS-14 step 8 rank would restore some of my professional status and provide a degree of financial remuneration over time. It is inordinately difficult for me to move forward in my research program with so many behind-the-scenes impediments, damaging my reputation and devaluing my work. I will never know how much damage has been inflicted by Agency supervisory personnel. Promotion to GS 14 is a necessary first step towards repairing my ARS-damaged career.

43. Did you speak to your supervisor about a promotion? If yes, when? What were you told?

Response: My supervisor does not control promotions. He indicated (on two different occasions) that he did not support my promotion when he was contacted by the RPES panel.

44. Is your position a career ladder GS-12/13/14 position?

Response: I am a Category-1 research scientist and could therefore (theoretically) attain a rank of GS-15. However, women scientists rarely find themselves promoted to GS-15, despite the Research Grade Evaluation Guide's promise that scientists have an "unlimited ceiling".

45. Or, do you have to compete for GS-13 or GS-14 position?

Response: I am required to be judged through the subjective RPE system every three years until I am promoted to GS-13, then every 4 years after that.

46. What policies and procedures are applicable?

Response: The Research Grade Evaluation Guide (RGEG) is probably the most applicable manual, however it does not contain objective, measurable criteria for RPES panels to use when judging the careers of other scientists. Instead, it provides guidance for grading "nonsupervisory professional research work". Among the many contradictions accessible through ARS manuals is that I am considered nonsupervisory even though I supervise a technician and assorted students. Also causing confusion is that the RGEG only applies to positions that are "two-grade interval positions". My position advances one grade at a time (12, 13, 14, etc...) but it is considered a two-grade interval position for the purpose of RPES.

47. How were you treated differently from similarly situated employees not in your protected group (name and job title)?

Response: **The larger picture must be considered when discussing discriminatory treatment against women. Statistics clearly show that ARS does not recruit, promote, and/or retain women scientists at the same rate as the men. Taken in that context, promotions (or lack thereof) of women scientists within ARS are symptomatic of an established pattern.**

48. Can you identify any witness who has direct relevant information related to this claim (name and job title)?

Response: **I have no witnesses, just material evidence**

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

Response: **Not at this time**

Claim 4: Since you began, your supervisor actively excluded you from mentoring and other career building opportunities.

(Describe each incident separately, in detail (who, what, where, when, why, and how?))

50. What mentoring activity have you been excluded from?

Response: **The research leader, Alberto Pantoja, failed to provide “objective measures” (in accordance with the ARS Performance Appraisal System, P&P 418.3) when preparing my performance plan. I twice asked the research leader, (in writing) for advice and guidance for exceeding on my annual performance rating. The informal EEO counselor made a similar request on my behalf as part of her Informal Resolution Attempt (ARS Case # 08-40). However, the research leader refused to provide information and ultimately discounted my extra work in two elements, resulting in a lower appraisal than was warranted.**

The other female research scientist is Fairbanks was provided a mentor by PWA administrative personnel after she filed grievances against Dr. Pantoja. She was given good advice and encouragement such that she was promoted to GS-13 in December 2007). I was not provided an outside mentor until after I had been denied a promotion (i.e. *after* the time when a mentor could have offered valuable advice on securing a promotion). Dr. Pantoja did not provide mentoring for women.

51. What career building opportunities have you been excluded from?

Response: **Until August 2008, women were automatically excluded from consideration when an acting research leader was being selected**

52. How were you harmed by the exclusion of mentoring and/or career building opportunities?

Response: **Loss of promotion, stature, salary, bonuses, resources, networking opportunities, etc...**

53. How were you treated differently from similarly situated employees not in your protected group?

Response: **Dr. Pantoja lavished attention and resources on Dr. Joe Kuhl in Palmer Alaska**

54. Can you identify any witness who has direct relevant information related to this claim? Name and job title?

Response: **I have no witnesses, just material evidence.**

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

Response: **Not at this time**

Claim 5: Since starting your research programs, your supervisor has damaged your reputation, devalued your work, actively sabotaged your programs by placing various behind the scenes impediments in the way of your programs, and eventually caused your programs to be shut down by disrespectfully:

- **Tying up your Technician 20% of the time;**
- **Interfering through disallowed Current Research Information System relevant projects and curtailed collaborations;**
- **Negatively impacted your credibility with co-workers and peers**

(Describe each incident, separately, in detail (who, what, where, when, why, and how?))

56. What research programs/projects have you been involved in?

Response: **I generally work independently (with my technician), and we have initiated, carried out, and published research from at least 5 projects since I started working with fish byproducts in 2004. Fairbanks is located in the interior of Alaska, far from the ocean and fish processing plants where we**

obtain our raw materials. Consequently, it is difficult to find collaborators for my research. My first grievance (December 27th, 2007) outlined three collaborations that were disallowed. The details these collaborations are not important. The issue is that collaborators are hard to find and if I am forced to work in isolation on individual projects (rather than as part of a team), my career will suffer and I will never receive a promotion.

57. How has your supervisor damaged your reputation?

Response: Dr. Pantoja is a skilled dissembler. As a research leader in ARS, he is SARU's "voice" when dealing with ARS administrators, stakeholders and other scientists. He wields considerable power, and his ARS position may contribute to people automatically accepting what he says as being true. I have only discovered a few examples concerning damage to my reputation and research, but it's obvious that the practice is pervasive. When I first arrived at SARU, I received false information concerning publication records of some of the scientists. Dr. Winton and Dr. Robertson have shared some of their experiences as well. We have all heard from co-workers who have been presented with status-damaging misinformation about us by Dr. Pantoja. The extent of the damage to my career and professional reputation can never be known, yet it will impact me for the rest of my life. Meanwhile, the ARS administration allows this practice to continue unabated.

58. How has your supervisor devalued your work?

Response: These questions were all handled in my grievances to ARS (starting in December 2007), and the USDA should have copies. Because my discrimination complaints have already been accepted by an EEOC administrative judge, these incidents of harassment are of little importance compared to the claims of discrimination I have raised.

59. How has your supervisor actively sabotage your programs?

Response: This constitutes harassment not discrimination. See question #58

60. What behind the scenes impediment have been placed in your way of progress?

Response: This constitutes harassment not discrimination. See question #58

61. What programs/projects were shut down?

Response: This constitutes harassment not discrimination. See question #58

62. Who is your technician? Name, job title, and grade?

Response: **My first technician was Charlene Malemute, Biological Science Technician, GS-5. My current technician is Katie Hietala, Biological Science Technician, GS-7.**

63. How long has he/she been your technician?

Response: **approximately two years.**

64. What are his/her major duties?

Response: **She sets up experiments and collects data. She managers the lab and maintains the equipment, etc...**

65. Who tied up your technician 20% of the time?

Response: **This constitutes harassment not discrimination. See question #58**

66. What duties were affected?

Response: **This constitutes harassment not discrimination. See question #58**

67. How did this impact your program(s)?

Response: **This constitutes harassment not discrimination. See question #58**

68. Who interfered/disallowed Current Research Information System relevant projects and/or curtailed collaborations?

Response: **This constitutes harassment not discrimination. See question #58**

69. What effect did this have?

Response: **This constitutes harassment not discrimination. See question #58**

70. Please describe how your credibility with co-workers and peers was negatively impacted.

Response: **This constitutes harassment not discrimination. See question #58**

71. How were you treated differently from similarly situated employees not in your protected group (name and job title)?

Response: **This constitutes harassment not discrimination. See question #58**

72. Can you identify any witness who has direct relevant information related to this claim? Name and job title?

Response: **Not at this time**

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

Response: **Not at this time**

Claim 6: In a closed door private meeting, your supervisor yelled at you so loudly it caused a co-worker to believe that he had missed a workplace meeting.

Actually, Dr. Pantoja did not “yell”. He often speaks loudly, and when agitated he speaks with even more volume. In the incident referred to below, his voice was sufficiently loud to carry into the adjacent office

74. When did this meeting take place? Why?

Response: **This constitutes harassment not discrimination. See question #58**

75. What did your supervisor say when he allegedly yelled at you?

Response: **This constitutes harassment not discrimination. See question #58**

76. What was your response?

Response: **This constitutes harassment not discrimination. See question #58**

77. Who was the co-worker?

Response: **Dr. Ted Wu (a post-doc with ARS). However, over a year has passed and he claims that he does not remember the incident**

78. What did the co-worker do or say?

Response: **He stopped by after Dr. Pantoja had left and asked what the meeting had been about.**

79. What did you do or say?

Response: **I explained the situation to him.**

80. What did the supervisor do or say?

Response: **The supervisor had already left**

81. How were you treated differently from similarly situated employees not in your protected group? Name and job title?

Response: **This incident was an example of harassment, not discrimination**

82. Can you identify any witness who has direct, relevant information related to this claim? Name and job title?

Response: **Dr. Ted Wu, Research Chemist**

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

Response: **Not at this time**

84. Who are you naming as respondent(s) in your claims of **DISCRIMINATION AND REPRISAL**? Name and job title?

Response:

Dr. Alberto Pantoja (Research Leader)

Dr. Edward Knipling (ARS Administrator)

Dr. Antoinette Betschart (ARS Associate Administrator)

Karen Brownell (Director of Human Resources)

Dr. Dwayne Buxton (ARS Pacific West Area Director)

Dr. Robert Matteri (Assistant Area Director, ARS Pacific West Area)

Dr. Molly Kretsch (Acting Associate Area Director, ARS Pacific West Area)

James Bradley (ARS Deputy Administrator)

29 C.F.R §1614.102 (a) requires the ARS to identify and eliminate discriminatory practices and policies. However, the aforementioned ARS personnel knowingly allowed discrimination against women scientists to occur (and persist!) at SARU.

85. What remedy are you seeking?

Response: **I am currently compiling a list of remedies for EEOC**

86. Are you seeking compensatory damages? If yes, can you provide objective proof of damages suffered as a result of the alleged discrimination?

Response: **Yes, I am seeking compensatory damages**

87. Do you have any relevant documents to submit as attachment to your affidavit? If so, please identify them for the record by placing your initials and date on the first page of each document provided.

Response: **My complaints consist almost entirely of material evidence that the ARS and USDA already possess**

88. Do you have any additional information?

Response: **No, since my complaint has already been accepted by EEOC.**

I have reviewed this statement, which consists of 18 pages, and hereby solemnly _____ swear X 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 _____, 2004

(Signature of Investigator/Witness)