

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, Alberto Pantoja, an 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 Leader Grade GS-15  
between (date) April 19, 2003 and (date) to the present time

My telephone number during working hours is: 907-474-7536

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 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.**

Response: My name is Alberto Pantoja

2. **What is your gender?**

Response: Male

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

Response: I am the Research Leader/Location Coordinator, and Research Entomologist, GS-0414-15.

4. **What are your major duties?**

Response: My major duties include serving as Research Leader and Location Coordinator for the USDA, ARS Unit in Fairbanks, Alaska and to conduct research on integrated pest management. I serve as leading scientist for the integrated pest management and the plant germplasm projects.

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

Response: I have been in my present position since April 19, 2003.

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

Response: I have been employed by the Federal government since April 19, 2003.

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

Response: I work for the U. S. Department of Agriculture, Agricultural Research Service, Subarctic Agricultural Research Unit (SARU), Fairbanks, Alaska, 99775. SARU is one of the Units under the Pacific West Area.

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

Bonnie Furman (ARS horticulturist in Palmer Alaska) said that she was told by Dr. Pantoja that she was the Lead Scientist for the Plant Germplasm project. Apparently, his statement to her was not true.

Response: My duty station is located in North Star Borough, Fairbanks, Alaska.

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

Response: I am under the direct supervision of the Pacific West Area Director. The current Area Director is Andrew Hammond, Area Director, USDA, Pacific West Area, Albany, California.

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

Response: Dr. Hammond was appointed Area Director on April 13, 2008. He served as Acting Area Director since January 2008.

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

Response: Dr. Robert Matteri, Associate Area Director.

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

Response: Dr. Matteri was appointed Associate Area Director on January 4, 2009. Previously, he was the Acting Associate Area Director and Assistant Area Director.

**13. Do you supervise complainant? If yes, what level supervisor?**

Response: I am the Complainant's immediate supervisor.

**14. How long has complainant been under your supervision?**

Response: Complainant has been under my supervision since her arrival to SARU in October 3, 2004.

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

Response: A professional relationship.

**16. How many employees do you directly supervise?**

Response: As of January 12, 2009, I directly supervise 14 employees.

**17. Can you describe what kind of working relationship you have with the other employees you directly supervise?**

Response: I maintain a professional relationship with all employees in the  
Every woman research scientist that he had ever supervised in the USDA Agricultural  
Unit. Research Service had filed an EEO complaint against him due to harassment and  
discrimination, (i.e. it's unlikely that his behavior would be considered "professional").

**18. How would you describe the work environment where complainant and others under your supervision are situated?**

Response: ARS in Alaska is collocated with the University of Alaska Fairbanks. The working environment is very professional with ample opportunity for professional and social interaction between ARS and University employee and students. ARS has a friendly environment with frequent professional and social gatherings. Personnel are scattered in various buildings and in two localities.

**FALSE 19. Complainant alleges you treat females differently from her male counterparts. What is your response to this allegation?**

Alberto Pantoja's response is false. Direct evidence had already proven that only men (never women) were appointed as "acting" supervisor in his absence, regardless of GS-level, length of time in the unit, or even probationary status.

Response: Allegation has no merit; I perform all duties in a manner which consistently demonstrates professionalism, fairness, cooperation, and respect toward coworkers. All scientists in the Unit are treated equally regardless of their gender.

**FALSE 20. Complainant alleges discriminatory harassment. Did complainant discuss the alleged discriminatory harassment with you? If yes, what was discussed?**

Since there were no witnesses to this conversation, Alberto Pantoja probably assumed that it was safe to lie about it. He "supported" his deception with an email I'd written, in which I'd suggested that we meet again under "calmer circumstances", (i.e. when "he" was more calm). He deliberately misinterpreted the email.

Response: The first time Complainant mentioned alleged discriminatory harassment was during a series of meetings during December 2007 and January 2008 regarding her Research Position Evaluation System (RPES) scores and conversion to GS12. During a meeting on December 13, 2007, to

discuss her RPES scores, Complainant was emotional, agitated, and disappointed with the RPES panel results and outcome. Complainant accused me and others in the administrative office of falsifying the documents in her case write up. Complainant also argued that the RPES panel scored her low because she was a female. I tried to explain to the Complainant RPES policies and procedures, but she was agitated. I told her that we should continue the discussion once she calmed down and I left the room. Following my conversation with Complainant, I emailed the Pacific West Area (PWA) office on the incident and contacted a possible candidate for RPES training (see attachment Q20-12-13-07). On January 03, 2008, I visited again with Complainant to re-visit the December 2007 discussion on RPES scores and a strategy to strengthen her case write up. During the visit, Complainant was emotional, agitated, and had difficulties articulating her ideas. We further discussed on the alleged "falsification of documents". I left the room after indicating to her that we should revisit the topic once she calmed down. On an email dated January 04, 2008, from Complainant to me, she referred to her emotional state (not calm) during the January 03 meeting (see attachment Q20-01-04-08).

**Whether the agency subjected the complainant to discriminatory harassment based on sex (female) and limited her career advancement when:**

1. On July 2, 2004, after she accepted the verbal offer of the Research Food Technologist position, GS-13/14, her supervisor said that the position had to be evaluated by the RPES panel.
21. Did you verbally offer complainant the Research Food Technologist position at the GS-13/14 grade level? If yes, why? If no, who made the offer to complainant?

Response: No, I did not offer the Complainant a job. During July, 2004, I contacted the Complainant and informed her that she was selected by the Evaluation Committee as the top candidate for the Research Food Technologist position in Fairbanks. I also informed her that a Human Resource Specialist (HRS) will contact her with a job offer. I made clear that I do not have authority to offer jobs. Franky Reese, HRS made the job offer pending the Ad-Hoc panel review (see attachment Q21-08-03-04). On email dated September 17, 2004, the Complainant confirms that it was Reese who made the job offer (see attachment Q21-09-17-04).

**22. Did you tell complainant the position had to be evaluated by the RPES panel? If yes, why? If no, who told complainant this?**

Response: No, I did not tell Complainant about the need of the RPES evaluation. Franky Reese, Human Resource Specialist informed the Complainant about the need of an RPES Panel evaluation (see attachment Q21-08-03-04). I did discuss the RPES evaluation process with Complainant, but it was after Reese informed the Complainant.

**23. What is the purpose/mission of the RPES panel?**

Response: The Research Position Evaluation System (RPES) provides for review of Agricultural Research Service (ARS) Category 1 positions on a cyclical basis to ensure classification accuracy. The RPES is based on the "person-in-the-job" concept. Under this concept, research scientists have open-ended promotion potential based on their personal research and

RPES is a classification system that assigns salary levels to agency scientists. It is based on the Research Grade Evaluation Guide (RGEG), which contains no objective, measurable criteria for its decisions. Under this system, women are not recruited, promoted, and/or retained at the same rate as the men (i.e. it's a tool of discrimination).

leadership accomplishments, which can change the complexity and responsibility of their positions.

**24. Who is on the RPES panel? Name(s)?**

Response: The operation and management of the RPES falls under The Research Position Evaluation Staff, ARS Human Resources Division in Beltsville, Maryland (<http://www.afm.ars.usda.gov/rpes/>). I do not have information on the constitution of Research Position Evaluation System (RPES) panels. This question should be addressed to Merle T. Cole, Head, Research Position Evaluation Staff, ARS Human Resources Division, Phone 301-504-1563, email [Merle.Cole@ARS.USDA.GOV](mailto:Merle.Cole@ARS.USDA.GOV).

**25. Does the RPES panel evaluate the application for all scientists hired to work at SARU?**

Response: Yes, all Category 1 positions in ARS hired at the GS13 level and above are evaluated by an RPES panel. Also see question 23.

**26. What are the policies and procedures that are followed? Please identify/or describe.**

Response: Policies and Procedures (P&P) for RPES panel are available online at <http://www.afm.ars.usda.gov/ppweb/PDF/431-3-ARS.pdf> (P&P) and <http://www.afm.ars.usda.gov/ppweb/PDF/431-3M-ARS.pdf> (Manual).

**27. What were the results of complainant's evaluation from the RPES panel?**

Response: On August 24, 200, the Pacific West Area forwarded to me the results of the RPES panel classifying Complainant as GS-12 level (see attachment Q27-08-24-04).

- 28. Who notified complainant she was not eligible for a GS-13/14 Research Food Technologist position?**

Response: Franky Reese, Human Resources Division notified Complainant.

- 29. Do you have any additional information related to this claim?**

Response: No

- 2. On September 16, 2004, her supervisor offered her the re-evaluated Research Food Technologist position at the GS-12 level.**

- 30. Did you offer complainant the Research Food Technologist position at the GS-12 level? If no, who did?**

Response: No, I did not offer a job to Complainant; Franky Reese, Human Resource Specialist offered the position on September 17, 2004 and Complainant acknowledges receiving the offer from Reese (see attachment Q30-09-17-04). Also see question 21.

- 31. Did the offer include full promotion potential to GS-13/14? If no, why not?**

The RPES (promotion) system contains no objective, measurable criteria upon which to base it decisions. Under this system, women are not recruited, promoted, and/or retained at the same rate as men, (i.e. it's used as a tool of discrimination).

Response: Research scientists have open-ended promotion potential based on their personal research and leadership accomplishments. The enter on duty date letter (see attachment Q31-09-17-04) and job offer indicates the Grade/step level and salary. Also see questions 23 to 26 and attachment Q30-09-17-04.

- 32. Was the Research Food Technologist, GS-13/14 vacancy announcement canceled?**

Response: The announcement was not cancelled; the position was re-announced as GS12.

- 33. Was the Research Food Technologist, GS-12, re-announced under a different vacancy number?**



Response: Yes

- 34. In order for complainant to be promoted to GS-13 and subsequently to GS-14, would she be required to compete for the position? If yes, why?**

Response: No, Research scientists have open-ended promotion potential

based on their personal research and leadership accomplishments. Also see questions 23 to 26 and 31. **The RPES (promotion) system contains no objective, measurable criteria upon which to base it decisions. Under this system, women are not recruited, promoted, and/or retained at the same rate as men**

- 35. What was complainant's start date?** **(i.e. it's used as a tool of discrimination).**

Response: The enter on duty date states a start date of October 3, 2004 (see attachment Q31-09-17-04).

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

Response: Complainant fails to mention that a hiring incentive (up to \$55,357) and GS-12 Step 3 was approved based on superior qualifications.

The hiring incentive included a **\$10,000** hiring bonus paid in cash upon arrival to the Unit (see attachments Q30-09-17-04 and Q31-09-17-04).

**3. Since she began her supervisor has not promoted her.**

- 37. Why has complainant not been promoted?**

Response: The policies and procedures to promote category 1 research scientists are discussed under question 26. On December 12, 2007, Complainant was evaluated by an RPES panel following applicable policies and procedures. The panel arrived at a consensus score and resulting classification decision of GS12 (see attachment Q37-12-13-07). Also see question 26.

**The RPES (promotion) system contains no objective, measurable criteria upon which to base it decisions. Under this system, women are not recruited, promoted, and/or retained at the same rate as men (i.e. it's used as a tool of discrimination).**

38.

**What knowledge, skills, and abilities must be fulfilled to qualify for a GS-13, Research Food Technologist position?**

Response: The requirements to convert a category 1 research scientist's position from GS 12 to GS 13 are defined in the RPES on line manual <http://www.afm.ars.usda.gov/ppweb/PDF/431-3-ARS.pdf> (P&P) and <http://www.afm.ars.usda.gov/ppweb/PDF/431-3M-ARS.pdf> (Manual). Also see questions 23 to 26, 31, 34, and 37.

39.

**Are there other requirements that must be met to qualify for a GS-13, Research Food Technologist position?**

Response: See questions 23 to 26 and 38.

40.

**What are your requirements for an employee to move upward on a career ladder?**

Response: See question 23 to 26 and 37 to 39.

41.

**What attempts have you made as her supervisor to ensure her success?**

Response: To ensure a smooth transition from the previous assignment into Alaska, I secured hiring incentives and hiring at GS-12 Step 3 (see question 36 and attachments Q30-09-17-04 and Q31-09-17-04). I provided Complainant with resources (funds, equipment, and space) and guidance similar to other scientist in the Unit. Early upon Complainant arrival to the Unit, I arranged for her to visit the Processed Foods Research Unit and the Bioproduct Chemistry and Engineering Research Units at the Western Regional Research Center (WRRC) in Albany California. I personally contacted the research leaders (Bill Orts and Tara McHugh) to arrange a long term visit to the WRRC. As a result of this interaction, the Complainant has coauthored six abstracts/posters and presentations and published three peer

The RPES (promotion) system contains no objective, measurable criteria upon which to base it decisions. Under this system, women are not recruited, promoted, and/or retained at the same rate as men (i.e. it's used as a tool of discrimination).

Alberto Pantoja's deposition is saturated with false or deceptive statements. He didn't provide mentoring for me. He not only didn't provide a mentor until after I'd lost the promotion but he actively prevented me from having one when Dr. McHugh was suggested as a mentor in 2006.

reviewed articles in collaboration with WRRC scientist (see attachment Q41-02-05-09). The research conducted by Complainant and collaborators was also featured in the ARS magazine. I personally contacted the magazine editor and coordinated the publication. Although not formally required by the agency (see attachment Q41-08-07-06), I arranged for a mentor for Complainant. The mentor, Tara McHugh, is a Research Leader and well known food technologist (see attachment Q41-01-28-08). I also asked Peter Bechtel, Leading Scientist of the Aquaculture program to mentor and assist Complainant to develop an aggressive research program. Under the mentorship/collaboration with Bechtel, Complainant has published seven peer-reviewed manuscripts and has being involved in seven presentations in national/international meetings (see attachment Q41-02-05-09). Both, Bechtel and I have assisted and personally intervened with the Dean of the School of Fisheries to secure an Affiliate Faculty appointment at the University of Alaska (UAF) for Complainant. In addition in an effort to support Complainant's early research efforts, I have personally traveled with Complainant to evaluate and follow up on a collaborative research projects at Oklahoma State University. Additional activities in support of Complainant professional development include participation on the Pacific West Area New SY Training (January 25-27, 2005) at Western Regional Research Center, Albany, CA. Since 2004, I have organized six training sessions with external groups or resources to include Classification and Staffing, Creativity and Diversity, Teambuilding, Transitions, Conflict Management, Crucial

The other women research scientists who were being harassed by Dr. Pantoja had previously participated in conflict resolution meetings. They both described it as an agency-endorsed attack, which left them feeling violated and vulnerable. When a similar event was suggested for me, I refused to permit it, since ARS conflict resolution events had resolved nothing for the other women (and in fact, the women later suffered from increased, not decreased retaliatory acts by Dr. Pantoja.

Conversations, EEO/ Sexual Harassment, Violence in the workplace, and RPES Panels and Promotion. The Complainant has attended all training sessions since her arrival to the Unit. In an effort to discuss and solve communication differences with Complainant, in 2008 I arranged a conflict resolution meeting, but Complainant refused to participate. I have also assisted Complainant in reviewing and strengthening the case-write-up for both the 2007 and 2004 RPES panels (see attachments Q41-09-17-07 and Q41-07-19-04). I have funded and supported Complainant participation in a Conflict Management Skills for Women seminar (April 2006) and a leadership training to be held on May 2009 (see attachment Q41-01-29-09). I have also assisted by identifying possible new projects for Complainant (see attachment Q41-11-19-07). I have also recognized her research efforts with Superior Appraisals and cash awards in 2007 and 2008 and a \$500.00 spot award in August 2005 for her contribution to the SHEM Committee (see attachments Q41-01-29-07 and Q41-10-27-08). Also see question 36.

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

Response: Tara McHugh (phone 510-559-5864) and Peter Bechtel (phone 907-474-2708) are familiar with the activities described under question 41. Jeff Schmidt (301-504-1352) coordinated the possible conflict resolution meeting referred under question 41.

**4. Since she began her supervisor actively excluded her from mentoring and other career building opportunities.**

**43. What mentoring services are available to new scientists employed by SARU?**

Response: ARS provides a wide range of career building opportunities available on line at the Administrative and Financial Management web site ([http://www.afm.ars.usda.gov/hrd/staffing\\_recruit/student/studexp.htm](http://www.afm.ars.usda.gov/hrd/staffing_recruit/student/studexp.htm) ).

Some examples of career building and mentorship opportunities were discussed under question 41. Every year employees have the opportunity to request training and career building opportunities through the Individual Development Plan (IDP). I have approved all training and travel requests presented to me by Complainant through her IDP. On August 24, 2007, the PWA Area Director created a mentorship program for new SY at PWA (see attachment Q43-02-06-09). Details on the mentor I appointed to Complainant are discussed under question 41 (see attachments Q41-08-07-06 and Q41-01-28-08).

**44. Who are the mentors? Name and job title?**

Response: See question 43 and attachments Q41-08-07-06 and Q43-02-06-09.

**45. Have you excluded complainant from mentoring activities?**

Response: No, Complainant has had access to all activities and opportunities in the Unit. Furthermore, I have actively looked for additional mentoring opportunities for Complainant. Also see question 41 and attachments Q41-01-28-08 and Q41-08-07-06.

**46. Who in SARU has had mentoring activities available to them? Name and job title?**

Dr. Lori Winton (a woman research scientist) had been assigned a mentor in 2006, presumably because her claims of harassment and discrimination against Dr. Pantoja prompted PWA to shield her from the unlawful (career-damaging) activities that she was being subjected to within Dr. Pantoja;s unit.

**False**

Response: Complainant was the first scientist for which I have formally appointed a mentor (see attachments Q41-01-28-08 and Q41-08-07-06). On August 24, 2007, the PWA Area Director created an area wide Mentoring Program for Newly hired scientists (see attachment Q43-02-06-09).

Serving as "acting" research leader in Dr.

Pantoja's

absence was a

career-building

activity that was

reserved only for

men from 2003

until 2008, (just a

few months

before this

deposition was

prepared).

47.

**Has complainant been denied career building opportunities?**

Response No, Complainant has had access to career building opportunities at SARU. Also see question 36, 41, 45, and 46.

48.

**What career building opportunities are available in SARU? Please describe.**

Response: See question 41 and 43. Additionally, scientists can serve as acting research leader; Complainant has served as acting research leader.

49.

**Who has received career building opportunities in SARU? Name and job title?**

Response: All employees at SARU have had access to career building opportunities. Some employees are pro-active and identify training and activities that will further their career. Also see questions 41, 45, and 46. Complainant has actively participated in all training sessions at SARU and served as acting research leader.

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

Response: No

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

**51. What research programs has complainant worked on? Please identify.**

Response: Complainant is assigned to conduct research under CRIS Project Titled "Converting Alaska fish by-products into value added ingredients and products"; CRIS # 5341-22000-003D. In addition Complainant has Specific Cooperative Agreements (SCA) or collaborative projects with Oklahoma State University, the University of Alaska Fairbanks, the Fisheries Industrial Technology Center (FITC) IFTC in Kodiak Island, AK, and the School of Natural Resources and Agriculture (SNARS). Details on the names and affiliation of collaborators can be found on attachment 41-02-05-09.

**52. Complainant alleges you have damaged her reputation. What is your response to this allegation?**

Response: Allegation has no merit; I have supported, recognized, and promoted Complainant's research program. My activities in support of Complainants research program are discussed under question 36 and 41.

**53. Complainant alleges you have devalued her work. What is your response to this allegation?**

Response: Allegation has no merit; I have recognized Complainant contribution to the Unit's research program with Superior Appraisals and cash awards for the 2006 and 2008 rating periods and a spot cash award in 2005. I have also assisted and promoted Complainant research program with other institutions and Units (see questions 36, 41 and 52).

**54. Complainant alleges you actively sabotaged her program by placing various behind-the-scenes impediments in the way of her progress. What is your response to this allegation?**

Response: Allegation has no merit; see question 41, 51 to 53.

**55. Complainant alleges eventually her programs were shut down. What is your response to this allegation?**

Response: Allegation has no merit, the CRIS project Converting Alaska fish by-products into value added ingredients and products still active in the ARIS and CRIS systems. Complainant has active Specific Collaborative Agreements and collaboration with several scientists in several states in USA (see attachment Q41-02-05-09). All Complainants projects, SCA, and collaborations are active and have yielded results as evidenced by a February 05, 2009 ARIS report (see attachment Q41-02-05-09) listing over thirty-one (31) manuscripts, abstracts, and presentations. Also see question 41.

**56. Have you shut down any of her programs? If yes, what programs?**

*These poorly-worded questions are based on USDA's self-generated "non-claims". Alberto Pantoja did, in fact, refuse to allow me to work on several of the collaborative research projects that I had set up. His actions served to damage my career, (and no legitimate reasons for hindering my research were ever provided).*

Response: Allegation has no merit; No I have not "shut down" any program at SARU. Also see question 55.

**57. Have you shut down any program for other scientists in SARU? If yes, what programs and what scientist was assigned?**

Response: I have not "shut down" programs at SARU. Also see 55 and 56.

- **Tying up her technician 20% of the time;**

**58. Did you disrespectfully tie up her technician 20% of the time?**

Response: Complainant technician is the designated in house SHEM manager, in charge of the Environmental Management (SHEM) Program for the Unit. SHEM activities represent up to 20% of official duty time. The technician had previous SHEM training and demonstrated interest performing



in the vacant SHEM duties. I consulted with both, the technician and Complainant before formally assign the collateral SHEM duties to technician. I was not disrespectful in the request. I have asked the technician if her SHEM duties interfere with the research support to Complainant and she feels there is no interference and that Complainant has not mentioned any negative feedback (see attachment Q58-12-05-08). Additionally, Complainant have recognized technician work with superior appraisals and cash awards, in clear indication that she is satisfied with the research support to her program.

**59. Who was complainant's technician?**

Response: The technician name is Katie Hietala

**60. Who, what and why did the technician do for the 20% of time taken away from complainant?**

Response: Up to 20% of the time is dedicated to the Safety Health and Environmental Management (SHEM) program. These are considered Collateral Duties (see attachment Q60-02-09-09). The SHEM activities have implications to the whole SARU Unit in Alaska and also participate on area wide activities.

- **Interfering through disallowed Current Research Information System relevant projects and curtailed collaborations;**

**61. Did you disrespectfully interfere or disallow complainant Current Research Information System in relevant projects?**

Response: No I have always supported Complainant research projects. All projects presented by Complainant on which she follows approved policies

A male scientist was asked if his technician could serve the SHEM program, but he said no (so his technician was never offered the position). I was not accorded the same respect by Alberto Pantoja. Instead, he offered the appointment to my technician before consulting me. When she came to me about the offer, I was in a poor position to deny her the career-building opportunity.

and procedures have been entered and approved in the ARIS system. I have actively assisted Complainant in processing and approving proposals that did not pass the peer reviewed process or did not pass the scrutiny of National Program Staff (see attachments (Q61-04-22-06 and Q61-05-08-06). In some cases Complainant did not respond to document requests and the process has not been completed (see attachment Q61-02-05-09). Under question 41, I refer to possible new projects that I have identified forwarded to Complainant (see attachment Q41-11-19-07). Scientists are expected to be pro-active and develop specific personal and team research plans that are comprehensive and scientifically sound.

**62. What is the Current Research Information System?**

Response: USDA-ARS uses a reporting system called *Agriculture Research Information System* (ARIS). ARIS is a central repository that holds project research information to allow users to continue to input, update, and retrieve research project information. The ARIS on line Manual is available at <http://www.npstaff.ars.usda.gov/ARIS/Manual/>. Also see question 57.

Demonstrably

FALSE

**63. Did you curtail complainant's collaborations? If yes, why?**

Response: Allegation has no merit; I have not interfered on Complainant's research program. To the contrary I have provided suggestions and guidance (see question 41 and attachments Q41-11-19-07, Q61-05-08-06, and Q61-04-22-06).

**64. Who has complainant collaborated with? Name and job title?**

Response: Complainant has collaborated with over 25 scientists in Alaska, California, Oklahoma, Washington, and California. The names, job titles, and affiliations are presented in the ARIS report under question 41 (see attachment Q41-02-05-09).

**65.**

**How are collaborations established or used?**

Response: Collaboration with other units, groups, or institutions provides ways to advance the research agenda and access to funds, equipment, expertise, or resources not available at the location. Depending on the type of collaboration additional research funds can be obtained or transferred to or from collaborators.

**66. Who in SARU has collaborated with other SARU scientists? Name and job title?**

Response: Currently all scientists in the Unit collaborate with others in the CRIS project and there is collaboration across CRIS projects. Complainant has active collaboration with P. Bechtel, Research Food Technologist and several of Bechtel's collaborators at the University of Alaska and the IFTC in Kodiak Island. Also see question 41 and attachment Q41-02-05-09.

**67.**

**As the Research Leader or Lead Scientist, do you require scientists to consult with you regarding their collaborations? If yes, please explain the process.**

Response: As Research Leader, I coordinate the development and implementation of individual CRIS projects and the Unit's overall research program. I also recommend and implement needed changes in research priorities and goals for the Unit and keep the Area Director and National Program Staff informed of Unit's research plans and progress. I require

\_\_\_\_\_  
Initials

(...which is why it is especially onerous that at least three of my collaborations were disallowed by Alberto Pantoja, even though he has no expertise in my field of research.)

Since Alberto Pantoja possessed no expertise in any field other than his own (entomology), his decisions to curtail research among the women (non-entomology) scientists, but not among the men, were blatantly discriminatory. His job was administrative (paperwork) and any questions about scientific merit of the women's projects should have been referred to a scientist in the appropriate field.

scientists to inform me on collaboration so I can perform my duties and facilitate interaction and collaboration with other Units and across CRIS projects in the Unit.

- **Negatively impacted her credibility with co-workers and peers.**

FALSE

68.

**Did you disrespectfully impact her credibility with co-workers and peers?**

Response: Allegation has no merit; I have mentored and supported Complainant's research program. I have never disrespected Complainant. Also see questions 36, 41, and 61.

FALSE

69.

**Can you describe what happened in the January 15, 2008 group meeting in which each of the scientists presented their research programs?**

My presentation contained all the required information and received many compliments, but I was verbally harassed by Dr. Pantoja anyway (as were all the women scientists that day) and none of his comments had to do with Stakeholders.

Response: During the referred meeting all SY's in the Unit made a professional and technical presentation of their research accomplishments to the group. After each presentation, I asked questions related to the presentation and its relation to the approved project plan. On December 28, 2007, I informed speakers on the objectives and format of the presentations (see attachment Q69-12-28-07). I expected scientists to be prepared to answer questions related to their research projects and their presentations as indicated in the December 28 email. Some scientists, including Complainant, had difficulties answering questions. Complainant had specific difficulties identifying her customers or stakeholders and how her research will impact customers. To this day, the Complainant has difficulties indentifying stakeholders (see attachment Q69-01-21-09). The presentations and the questions and answers sections were witnessed by J. Schmidt, USDA, ARS

Cooperative Resolution Program and the rest of the USDA ARS group in Fairbanks.

FALSE

70.

**What was your demeanor in this meeting?**

Response: I was in charge of introducing the speakers and directing the questions and answer section. I conducted the session in a professional manner, following principles used in professional society's presentations. All speakers were aware of the questions and expectations (see attachment Q69-12-28-07). The intention of the presentations and the questions/answer sections (Q/A) were to exchange research results and rehearse a question/answer (Q/A) session similar to sessions in professional meetings. Scientist that could not provide satisfactory answers to my questions became defensive. I was not confrontational. Since the result of the Q/A was different (defensive posture) than what I expected (interaction), after the meeting I apologized to all members of the Unit and discussed my intentions versus the outcome. Also see questions 19 and 69.

At least four participants that day have provided sworn depositions that Alberto Pantoja verbally harassed all the women (but not the men). In one instance, Dr. Pantoja's verbal abuse was so severe that two people had to intervene to bring Dr. Pantoja's behavior under control.

FALSE

71.

**What was the demeanor of the scientists in this meeting?**

Response: All scientists behaved professionally, many were excited to learn details about others research programs, others were concerned they could not answer questions. After the meeting, scientists that could not answer questions to their satisfaction expressed embarrassment and became defensive. The inability to answer questions after presentations is not unusual in scientific gatherings. Also see questions 69 to 70.

Following my presentation, there were no questions that I could not answer (and none of Alberto Pantoja's questions dealt with stakeholders).

I've never been verbally harassed at a scientific meeting, so there was no justification for Dr. Pantoja's behavior.

72.

**What was the purpose of the meeting?**

Response: The main objective of the meeting was the exchange of information and research results between scientists and support personnel in the Unit. We have a diverse group of scientists conducting research in several areas to include fish waste, pest management, weed management, and germplasm collections. Scientists are located in two localities in the state and in several buildings in Campus. It is important that all in the Unit are aware of the work conducted by others. Additionally, the presentations serve to rehearse a question/answer (Q/A) session similar to the Q/A sessions in professional meetings. Also see question 69 to 71.

**73. Do you have any additional information related to these claims?**

Response: no

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

FALSE

**74. Did you have a closed door meeting with complainant as described in this claim?**

Response: Allegation has no merit; I have never yelled at Complainant or any other member of the Unit.

**75. What was the purpose of the meeting?**

Response: I cannot answer the question as stated; I do not know what meeting is being referred to. I have no recollection of a private or workplace meeting on which participants were yelling. Also see question 74.

**76. Did you yell at complainant? If yes, why?**

Response: No I have never yelled at Complainant or any other member of the Unit. Also see questions 74 and 75.

Since there were no witnesses to this conversation, Alberto Pantoja probably assumed that it was safe to lie about it. He "supported" his deception by misinterpreting an email that I'd written, in which I'd expressed my hope that (he) would behave more calmly next time.

**77. What was complainant's response?**

Response: See questions 74 to 76.

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

Response: A meeting on which Complainant was emotional and agitated is discussed under question 21.

**79. Can you identify any witnesses who have direct information related to the claims accepted for investigation? Name, job title, telephone number, and relevance?**

Response: Janis Contento (907-474-6516) and Jeff Schmidt (301-504-1352) were present during meeting and presentations on January 15, 2008.

**80. Do you have any relevant documents to submit as attachments 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: Table 1. List of attachments submitted with this affidavit.

Attachments are identified in text using the question number and the date of the document (for example attachment Q20-12-13-07 refers to an attachment related to question 20 and the date of the document is December 13, 2007).

Question #	Date (DD/MM/YY)	From	To	Topic
20	12-13-07	Pantoja	PWA Office	RPES reaction
20	01-04-08	Bower	Pantoja	Case write-up
21	08-03-04	Reese	Bower	Job offer
21	09-17-04	Bower	Pantoja	Job offer
27	08-24-04	Castle	Pantoja	PRES scores
30	09-17-04	Reese	Bower	Job offer
31	09-17-04	Reese	Bower	EOD letter

37	12-13-07	Pantoja	Bower	RPES recommend.
41	02-05-09	ARIS	n/a	ARIS report
41	08-07-06	Hammond	Pantoja	Mentorship
41	01-28-08	Pantoja	Bower	Appt. of mentor
41	09-17-07	Pantoja	Bower	Assistance RPES
41	07-19-04	Bower	Pantoja	Assistance RPES
41	01-29-09	Aglearn	Pantoja	Training support
41	11-19-07	Pantoja	Bower	Possible project
41	01-29-07	Pantoja	Bower	Superior Appraisal 06
41	10-27-08	Pantoja	Bower	Superior appraisal 08
43	02-06-09	Scardinia	Pantoja	Mentorship PWA
58	12-05-08	Pantoja	Hietala	Support to Bower
60	02-09-09	N/A	N/A	Collateral Duties
61	04-22-06	Pantoja	Matteri	SCA
61	05-08-06	Bower	Pantoja	SCA revision
61	02-05-09	Contento	Pantoja	Incomplete SCA
69	12-28-07	Pantoja	SY's	SY presentations
69	01-21-09	Pantoja	Bower	Stakeholders

81. Do you have anything further to add to your statement?

Response: No

I have reviewed this statement, which consists of 24 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 The University of Alaska Fairbanks, 905 Koyukuk Street, Fairbanks, Alaska on 12 of February, 2009

\_\_\_\_\_  
Witness