

Complaint No: ARS-2008-00542

52 after she was issued the Letter of Caution. She clearly stated to her that the fault was hers since it was her job to check.

Claim 2: "You were subjected to threats of termination (dates not provided)."

Complainant states she was threatened by Dr. Pantoja. She refers to dates highlighted in her Timeline (November 1, 2004, November 3, 2004, November 9, 2004, December 17, 2004, April 9, 2008, and September 5, 2008 (Exhibit 1a). She reported the threats through her chain of command. On November 9, 2004, Jack Nelson, Acting AAO, Dr. Hammond, Associate Area Director, and Dwayne Buxton, Area Director were notified by e-mail. On February 28, 2006 and April 22, 2006, both Dr. Buxton and Dr. Hammond were informed by administrative grievances. The situation has never been resolved, threats are still made, but with more subtlety and are now also being directed at Dr. Jeff Conn in retaliation for trying to protect her from Dr. Pantoja's verbal abuse and public humiliation at a staff meeting (Exhibits 9a, 9b, and 9c).

She states she has not witnessed threats against Dr.'s Kuhl, Seefeldt, or Fielding. She did witness Dr. Pantoja threaten Dr. Conn in retaliation for trying to protect her from Dr. Pantoja's verbal abuse and public humiliation at a staff meeting.

Claim 3: "You were subjected to public humiliation (dates not provided)."

Complainant states Dr. Pantoja subjected her to public humiliation. She refers to dates highlighted in her Timeline as occurring on June 16, 2005, November 15, 2005, January 15, 2008, April 9, 2008 (Exhibit 1a). She states she asked Dr. Pantoja to stop the public humiliation. She informed Dr. Hammond and Dr. Buxton of the public humiliation on June 17, 2005, February 28, 2006, and April 10, 2008. No action was taken that she has been able to discern (Exhibits 9a, 9b, and 9c).

The June 16, 2005 incident in the parking lot was witnessed by Dr's Kuhl and Conn. The January 15, 2008 incident was witnessed by Dr's Bower, Robertson, Kuhn, Conn, Seefeldt, Fielding and Bechtel (Exhibits 9a, 9b, and 9c).

Claim 4: "You were subjected to disrespectful behavior (dates no provided)."

Complainant states Dr. Pantoja subjected her to disrespectful behavior on December 17, 2004, June 15, 2005, August 12, 2005, August 15, 2005, and November 15, 2005. She refers to the incidents in her Timeline (Exhibit 1a). She states she tried to reason with Dr. Pantoja to no avail (Exhibits 9a, 9b, 9c).

Claim 5: "You were subjected to open hostility (dates not provided)."

Complainant states she was subjected to open hostility by Dr. Pantoja. She refers to the incidents in her Timeline (Exhibit 1a). She filed an administrative grievance (Exhibit 9a) As far as she is aware, no male scientists have been subjected to a hostile work environment (Exhibits 9a, 9b, and 9c).

Claim 6: “You were subjected to intimidation (dates not provided).”

Complainant states she was subjected to intimidation by Dr. Pantoja. She refers to the incidents in her Timeline (Exhibit 1a). As far as she is aware, no male scientists have been subjected to intimidation (Exhibits 9a, 9b, 9c).

Claim 7: “You were denied the opportunity to act as Research Leader (dates not provided).”

Complainant states she was denied the opportunity to act as Research Leader until August 1, 2008. Until August 1, 2008 there was no policy or procedure of which she is aware that was followed to appoint one to the acting Research Leader position. Appointments were made at the discretion of Dr. Pantoja who always chose men to act in his absence. She was offered the opportunity to act as Research Leader only after she filed a formal EEO complaint and Dr. Pantoja installed a rotation system that included all of the scientists (Exhibit 9c)

She states up until August 1, 2008, all men in Fairbanks and none of the women had served as Acting Research Leader. She cannot recall each instance she questioned why she was not asked to serve but discussed this with Shirley Fletcher, EEO Counselor (Exhibit 9b). She states this information can be corroborated by Dr. Nancy Robertson’s EEO complaint USDA Case Number ARS-2008-00647.

Claim 8: “You were subjected to having your peer-reviewed downgraded to research notes (dates not provided).”

Complainant states Dr. Pantoja incorrectly changed several of her publications and those of Dr. Nancy Robertson, Research Plant Pathologist from “Peer-Reviewed Journal” to Research Notes (an undefined category that does not count as peer-reviewed), and refused to accept the peer-reviewed Disease Notes (in the journal Plant Disease) and Primer Notes (in the journal Molecular Ecology Notes) appropriately as peer-reviewed journal articles. This devalues the work of women (creates special rules that adversely affect SARU women more than men i.e., some peer-reviewed publications not given full credit despite the fact that no other ARS scientists in the nation have this “rule”. These events occurred when she turned the manuscripts in to Dr. Pantoja for approval. She identified four (4) publications that were affected.

She learned this when she received her ARIS author report. She questioned Dr. Pantoja several times by e-mail, and also filed an administrative grievance on February 23, 2007. She also learned of this in her performance plan, but did not realize that Dr. Pantoja would apply this arbitrary rule to peer-reviewed publications of original research, which is what her publications are. Dr. Pantoja was non-responsive to her queries and did not allow the ARIS record to be changed back to the appropriate “peer-reviewed journal” category that she had entered on the request form (ARS115). Dr. Hammond allowed this practice to continue even after she filed an administrative grievance. Nor did Dr. Pantoja

allow revisions to her performance plan to remove the subjective and discriminatory language, despite her requests. She declined to sign her 2009 performance plan (Exhibits 9a and 9b).

She described the procedures she follows when submitting peer-reviewed publications. She turns in the manuscript, along with an ARS publication authorization request form 115, and two internal reviews (ARS form 533). Upon approval by Dr. Pantoja and the area office, she may then send the manuscript to a journal for anonymous review. Dr. Pantoja requires two internal reviews by whomever she chooses before he will approve manuscripts to be sent to journals. The journals require from two to four anonymous reviews. The role and responsibilities of peer review is to ensure sound science.

She states Dr. Robertson and she are the only ARS scientists in the nation not allowed to have peer-reviewed Disease Note publications in the journal Plant Disease and peer-reviewed Primer Notes in the Journal Molecular Ecology Notes counted as peer-reviewed journal articles. This requirement disproportionately affects female scientists in SARU. Except for Dr. Robertson's and hers, all other articles of these types published by ARS scientists and in these same journals (over 30 Disease Notes and over 30 Primer Notes in TEKTRAN) are entered into ARIS appropriately as "Peer-Reviewed Journal" It is inequitable to hold scientists in her unit to a higher standard than all other ARS scientists.

According to her understanding of policies and procedures, she deserved an Exceeds Fully Successful for this element and asked Dr. Pantoja to improve her rating thus awarding her a performance bonus. She also asked that if he would not change the rating to provide some objective determination of this performance standard that includes 1) official ARS policy that justifies holding ARS scientists in Alaska to a higher standard than those of the rest of ARS; 2) definition of what constitutes Research Note and Peer-Reviewed Journal ARIS entries; and, 3) definition of the number of Research Notes, including the number of pages, that equal a single Peer-Reviewed Journal ARIS entry. Neither Dr. Pantoja nor Dr. Hammond would provide these.

Claim 9: "You were not allowed to hire permanent technicians (dates not provided)."

Complainant believes the policies and procedures applicable are ARMPS. She states employment decisions to fill technician positions appears to be entirely at the discretion of the Research Leader, in this case Dr. Pantoja. It is her understanding that all appointment authority resides with Dr. Pantoja, including length of term, GS level, and FPL. Her only involvement is to assist the HR specialist with the KSA questions. All of the men scientists were approved to hire permanent technicians. Dr. Pantoja justified it as a budgeting issue. However, given the evidence it is not based on CRIS project, scientist start date or scientist position creation/appropriate date (Exhibits 9a and 9b).

She states since Dr. Pantoja's arrival at SARU the following employees have been permanent hires:

| | | |
|----------------------|------------------------------------|-----------|
| Lisa Roberts | Biological Science Technician | GS-5 to 7 |
| Erin Carr | Agricultural Science Research Tech | GS-5 to 7 |
| Nan Werdin-Pfisterer | Agricultural Science Research Tech | GS-5 to 7 |
| (for Dr. Joe Kuhl) | Biological Science Technician | GS-5 to 7 |

She states Dr. Pantoja told her that she could not hire permanent technicians. She states his story has changed often. He once said it was because she was the last one hired, then it was because her position was the last one established in the unit, then he said it was because their budget was uncertain and so was her job.

She states she has had two technicians. They are Andrew Krohn, Biological Science Technician, GS-5 in June 2005 and Jonathan Horrell, Biological Science Technician, GS-6, in February 2008.

She identifies Dr. Cindy Bower, Research Food Technologist, is hindered by the same deficit of technical support and can be corroborated by her EEO complaint USDA Case Number ARS-2008-00696.

Claim 10: "You were not allowed to hire technicians at GS-7 grade (dates not provided)"

Complainant states Dr. Pantoja told her this. As stated above, the story has changed often. He once said it was because she was the last one hired, then it was because her position was the last one established in the unit, then he said it was because their budget was uncertain and so was her job (Exhibits 9a and 9b).

She states she annually requests reconsideration of grade level and permanent status because she had requested a GS-5 to 9 permanent positions in the ARMPS budget. She has never been told whether or not any of her ARMPS requests have ever been included or approved in ARMPS.

She was allowed to hire Mr. Krohn only at GS-5 with FPL to 7. She had requested that he be hired as a GS-7 but Dr. Pantoja would not allow that. She was allowed to hire Mr. Horrell as a GS-6 but was never informed that Dr. Pantoja had approved the position for FPL at GS-6 rather than the GS-7 at which it was actually announced. She states Ms. Contento, Administrative Officer has the documentation.

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

Complainant states she received unfair performance appraisals from 2004 through 2008. In 2004 she received a Fully Successful rating. In 2005 she received a Marginal and it was changed to a Fully Successful after filing a grievance. In 2006 she received a Marginal and it was changed to Fully Successful after she filed a grievance. In 2007 she received a Fully Successful. In 2008 she received a Fully Successful. She believes she should have received Superior or Outstanding ratings. She attached her grievances in support of her contentions (Exhibit 9a)

She states her performance evaluations have always been unfair, subjective, and immeasurable. Neither Dr. Robertson nor she has ever received performance bonuses from Dr. Pantoja. As far as she knows, all of the male scientists have received performance bonuses despite having similar accomplishments. These include: Dr. Joe Kuhl, Research Plant Geneticist, Dr. Jeff Conn, Research Weed Scientist, Dr. Steve Seefeldt, Research Weed Scientist, Dr. Dennis Fielding, Research Entomologist, and Dr. Peter Bechtel, Research Food Technologist.

.Claim 12: "On September 5, 2008, you were threatened for communicating EEO issues to various people including the designated contact person for Civil Rights and Workplace Violence issues."

Complainant states as far as she knows there are no ARS or SARU policy and procedures manual that addresses such EEO issues. However, there is some information on the ARS website, through Aglearn, pamphlets and administrative policy statements. The EEOC guarantees her the right to oppose discrimination including complaining of discrimination to anyone she wants. She states she contacted Janis Contento, Administrative Officer, because she is the designated EEO contact at SARU and she had asked for assistance from administrative channels for years to no avail (Exhibit 9c).

She states Dr. Pantoja threatened her performance appraisal and her job. She rebutted by e-mail and cc'd Dr. Hammond. She states no disciplinary action was taken against her but she immediately added this claim to her EEO complaint. In relation to EEO issues she states Dr. Pantoja has warned the entire staff "not to gossip" at several staff meetings with every scientist a witness.

She names Dr. Alberto Pantoja, Dr. Andrew Hammond, Dr. Dwayne Buxton as respondents in her claims of discrimination. As remedy she is seeking the following:

- a. Removal of the Letter of Caution from any and all of her personnel files.
- b. A different Research Leader
- c. Transfer to an ARS unit in Wenatchee, WA, Pullman, WA, or Corvallis, OR
- d. Immediate reassignment to different office space. Her current office, unlike those of any other SY, is in between Dr. Pantoja and the rest of the administrative staff, thus allowing Dr. Pantoja to subject her to scrutiny and constant exposure to his hostility towards her
- e. An end to discrimination and differential treatment against her and all female scientists (SY's) at the SARU
- f. A letter of apology
- g. Women to be given equal career-building opportunities as Acting RL
- h. Permanent technical support at GS-7/9/11
- i. Copies of all documents pertaining to her and her research program, including:

- (1) Copies of all personnel files which documents her performance and justification for her Performance Appraisals, Letters of Caution or other disciplinary actions
 - (2) Past (since she was hired in 2004) and future approved Annual Resource Management Planning System (ARMPS) so she knows which of her budget requests are/were approved or not. This information would have prevented her from being set up to receive a letter of caution.
- j. Compensatory damages for trauma to her self esteem, increased health problems due to stress, and extreme loss of free time due to necessity to prepare grievances.
 - k. An outside-of-agency Human Resources review/audit of the SARU and Dr. Pantoja's management practices
 - l. Resolution of the appeal of her 2005 performance appraisal that she filed with USDA Appeals and Grievances staff on May 23, 2006. As instructed by upper management at new scientist training (January 24, 2005, PWA, Albany, CA) she clearly raised discrimination concerns to the Area Office in said grievance and numerous other communications. However, her complaints were ignored and it was not mentioned that she should file a complaint with the EEO office.
 - m. Attorney fees and costs.

> **Management's Responses**

Dr. Alberto Pantoja (male), Research Leader/Location Coordinator, Research Entomologist, GS-0414-15, USDA, ARS, PWA, SARU, UAF, Fairbanks, Alaska has been in his present position since April 2003 and has worked for the Federal government for the same period of time. He serves as the Research Leader (RL) and Location Coordinator for the Unit and conducts research on integrated pest management. He is under the direct supervision of the PWA Director. The current Area Director (AD) is Dr. Andrew Hammond. Dr. Hammond was appointed AD. On April 13, 2008 and served as Acting AD since January 2008. Dr. Robert Matteri, Associate AD (AAD) is his second line supervisor. Dr. Matteri was appointed AAD on January 4, 2008. Previously he was the Acting AAD and Assistant AD. In an affidavit dated February 2, 2009 he further swears to the following in substance (Exhibit 11):

Dr. Pantoja states he is the direct supervisor of Complainant as the RL and Location Coordinator for the Unit and also the Leading Scientists for the project under which the complainant works. He has supervised complainant since May 30, 2004. He states he has a professional working relationship with complainant. As of January 2009, he directly supervises 14 employees and maintains a professional relationship with all employees in the Unit.

He states complainant's allegations have no merit. He has not set a tone that is punitive, hostile, isolating, fear-driven and discriminatory against the women scientists. He states the working environment is very professional with ample opportunity for interaction

You Decide:

Do you think he lied on his sworn affidavit or did he simply not understand that harassment and discrimination of women is unprofessional (in addition to being illegal)?

FACT:
Every woman
research
scientist in
Alberto
Pantoja's ARS
unit had been
presenting
evidence
against him
since at least
2007.

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between ARS and University employees and students. ARS has a friendly environment with frequent professional and social gatherings. Personnel is scattered in various buildings and in two localities (Fairbanks and Palmer). He states he performs all duties in a manner which consistently demonstrates professionalism, fairness, cooperation, and respect toward co-workers. All scientists in the Unit are treated equally regardless of their gender. He became aware of complainant's allegation of reprisal (opposition to discriminatory practices) in May 2008 during an investigation to a grievance. He states he has not engaged in reprisal actions against complainant or any member of the Unit.

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 28, 2008 she was issued a letter of caution."

Dr. Pantoja states he issued a letter of caution to complainant because of her failure to communicate recruitment and hiring issues with him prior to contacting the Western Services Branch, Human Resources Division (HRD). In terms of hiring, the Unit follows the PWA Guidance on Recruitment Actions (PWAGRA). The PWGRA defines the procedures and approval required during the hiring process. Complainant was provided an electronic version of the PWAGRA on April 19, 2005 (Exhibit 11a). Additionally scientists are requested to keep the RL or the Administrative Officer (AO) informed on programmatically and operational aspects of the project that affects the budget, such as hiring. He states complainant did not follow PWAGRA.

Dr. Pantoja did not address complainant's contention of "scape-goating" her for someone else's mistake. He reiterated the reason the letter of caution was issued was due to her failure to communicate recruitment and hiring issues with him. He states complainant's interaction with the HR specialist was documented by Rita J. Atta, Lead Human Resources Specialist. On March 7, 2008, C. Prucha, Human Resources Specialist confirmed the conversation with complainant and indicated complainant discussed with her a GS-7 level position. Complainant was overly concerned with the use of KSA's and veterans qualifications (Exhibit 11g)

He states in response to complainant's allegations that she was treated differently from similarly situated employees not in her protected group because male scientists are allowed permanent technicians at higher FPL's are inaccurate.

He states all positions defined and approved through PWAGRA are funded through the ARMPS procedures can be hired regardless of the gender of the requesting scientist. Currently two female scientists have permanent technicians or are hiring a permanent technician. One male scientist, no longer with the agency did not have a permanent technician position. As of January 30, 2009, five male scientists have permanent technician positions, including two permanent positions created before his arrival to the Unit. Since 2003, they have converted three temporary technician positions to permanent positions; one of those three positions is under a female scientist.

ARS has irrefutable evidence demonstrating that only Dr. Nancy Robertson (and not the other two women research scientists) had a permanent technician, and Dr. Robertson's tech was hired before Alberto Pantoja's arrival in the unit.

He states the grade level and type of appointment are decided following the PWAGRA and funds availability. KSA's and selecting factors are listed in the position description and are not determined by the gender of the hiring official, but cannot be used to block specific candidates as suggested by complainant (Exhibit 11b). The selecting official (scientist) serves as the expert in the particular field of science in developing KSA's and selecting factors. Complainant was involved in defining KSA's and selecting factors and required information for her technicians as evidenced by e-mail interaction between complainant, himself, and the assigned HR specialist (Exhibits 11b, 11c, and 11d).

He states complainant's involvement in defining KSA's dates back to 2004, during her hiring process while she was at Oregon State University. His constitution and functions of the Candidate Evaluation Panel (interview committee) are defined under PWAGRA and applied uniformly to all scientists in the Unit. Complainant's technician position was not downgraded. Complainant was aware of the Unit's budget limitations and how funds could affect the GS level of the technician (Exhibit 11e and 11f). He states the process is equal to all scientists in the Unit regardless of gender.

Claim 2: "She was subjected to threats of termination (dates not provided)."

Dr. Pantoja states complainant's allegation has no merit. He never threatened or discussed termination with complainant. The meeting with complainant on November 1, 2004 was related to the need to officially document collaboration between ARS Units and termination was never discussed with complainant. He states it seems odd that he would discuss collaboration research efforts and a termination action at the same meeting. On November 1, 2004, complainant reacts via e-mail to the referred meeting without a reference to the alleged termination threat (Exhibit 11g),

He states he did not discuss or talk about terminating complainant on November 3, 2004 as alleged. During November 2004, complainant evaluated several candidates for a technician position. The certificate of eligible's included a candidate that claimed veteran's preference. Complainant indicated not to agree with the HR Specialist regarding the veteran's qualifications. Complainant's concerns about veteran qualifications are documented in an e-mail dated November 1, 2004 (Exhibit 11g). He explained to complainant applicable federal policies regarding veteran applicants and consulted the situation with the HR Specialist and the PWA office. On November 2, 2004, the HR Specialist provided guidance on the procedure to follow and the need to document why complainant felt the veteran candidate did not meet KSAs and qualifications (Exhibit 11h). He conveyed the HR Specialist message to complainant and instructed her to either interview the veteran candidate or justify her decision not to interview a veteran candidate listed in a Certificate of Eligible's generated by HR. On November 5, 2004 he visited with complainant to further discuss veteran preference regulations. He states complainant did not agree with the HR Specialist and PWA ruling and in a rude and unprofessional mode left the room without finishing the discussion (Exhibit 11i)

He states he never threatened, intimidated, or discussed terminating complainant on November 9, 2004 as alleged. He states he has not sent e-mails regarding threats, intimidation, or firing plant pathologists. Furthermore he has never terminated or fired a plant pathologist at any time during his professional career. He states Jack Nelson was the PWA Real State Warrant Office in Albany, California and was not involved in personnel actions. He e-mailed Mr. Nelson on many occasions, none related to complainant, threats, or firing a plant pathologist.

He states he never threatened or discussed terminating complainant on December 17, 2004 as alleged. He states he has no recollection of a meeting or conversation with complainant on that date. He states there was a meeting with complainant and Ms. Contento on December 14, 2004 regarding the importance and need to follow government procedures and to document expenses incurred by complainant with the Oregon State University Diagnostic Laboratory. During the meeting Ms. Contento and he provided guidance on procurement procedures including the procedure to equip her laboratory. Complainant was also advised not to incur expenses before receiving approval. He states he was not disrespectful or threaten complainant with termination. He states there was no discussion on her retention.

He states on April 8, 2008 he visited complainant to provide guidance and discuss her interaction with University of Alaska Fairbanks (UAF) personnel in an attempt to interfere on a process to remove a UAF professor. He knocked at her door before entering. He states he was not disrespectful and did not threaten, intimidate or humiliate her. Complainant's attempt to interfere on UAF matters was brought to his attention by Carol Lewis, Dean of SNARS, Fairbanks, Alaska during a meeting related to a potato research project (Exhibit 11k)

He states complainant's allegation recounting an incident on September 5, 2008 is inaccurate. He states on August 28, 2008, he e-mailed complainant regarding unprofessional behavior in internal communications (Exhibit 11k). On the same date complainant requested evidence of such behavior. On September 5, 2008, Ms. Contento and he discussed with complainant an e-mail dated August 18, 2008 as an example of unprofessional behavior related to a Property Report (Exhibit 11l).

He states complainant failed to mention that in spite of her alleged threats of termination she was promoted to GS-13 in December 2007 under his leadership and guidance.

Claim 3: "She was subjected to public humiliation (dates not provided.)"

Dr. Pantoja states this allegation has no merit. He has no knowledge, role or involvement in any act of public humiliation to complainant or any member of the Unit. His recollection of the alleged incident in the parking lot on June 16, 2005 is that complainant transferred a key to her technician without following established UAF Key Request procedures. He asked the secretary to inform both complainant and her technician on the importance and need to follow established procedures and to document the key transfer. He saw complainant in the parking lot and reminded her on the issue. He called her aside

Alberto Pantoja attempts to take credit for Complainant's promotion to GS 13, despite the fact that her grievances against him had directly removed him from that aspect of his duties. Instead, a mentor (from another ARS unit) was assigned to the Complainant, as ARS attempted to compensate for Dr. Pantoja's lack of leadership.

to discuss the issue at a distance so that others in the area could not hear their conversation. He states the conversation was informative and there was no yelling, arguments, intimidation, bullying or humiliation as alleged. In an e-mail a day after the alleged incident, complainant makes no reference to inappropriate acts or behavior (Exhibit 11m).

He states complainant's allegation concerning an incident on November 15, 2005 has no merit. He states he did talk to complainant on two requests she presented to conduct non-ARS activities without following ARS approved procedures. There was no reprimand, the meeting was informative. He states he was not rude or unprofessional. After consulting with the PWA in Albany, CA, he met with complainant and Ms. Contento. During the meeting he counseled complainant not to engage in outside professional activities that would limit the time available to conduct and report research as outlined in the approved CRIS project. Complainant was also advised not to engage in outside professional activities before receiving proper approval and guidelines. The minimal requirement to meet the approved performance plan was also discussed. He does not remember if the door was open. Since his office is in front of a UAF classroom/laboratory he usually closes the door to avoid noise interference. On November 16, 2005 he followed with an e-mail summarizing the outcome of the meeting. In an e-mail from complainant she indicated she disagreed with the PWA and the Unit decisions and guidance, but made no reference to the alleged reprimand, rudeness, or unprofessional behavior (Exhibit 11n).

He states in reference to complainant's allegations concerning a staff meeting all SYs in the Unit made a professional and technical presentation of their research accomplishments to the group. He asked questions to all presenters in a professional manner, following principles used in professional societies. All questions were related to the presentation and its relation to the approved project plan. Speakers were informed on the objectives and format of the presentations. Scientists were aware of the question/answer section. It is expected that a scientist be prepared to answer questions related to their research projects and their presentations. Scientists from both genders were unable to answer some of the questions. Jeffrey Schmidt, USDA, ARS Cooperative Resolution Program and the rest of the Unit staff in Fairbanks were present. He states complainant had difficulties in providing satisfactory answers to research questions (Exhibit 11n).

Dr. Pantoja's statement is contradicted by sworn affidavits from at least five scientists who were present at that meeting.

Claim 4: "She was subjected to disrespectful behavior (dates not provided)."

Dr. Pantoja states the allegation has no merit. He has no knowledge, role, or involvement with disrespectful behavior towards complainant or any member of the Unit. He states he did not question complainant's expertise or the need of a plant pathologist in the Unit. He does not recall sending representatives or asking anyone to represent him to "fix her problems."

He states his recollection of the events during the week of August 12, 2005 is that complainant left him a voice mail indicating she needed to modify her travel