

Subject: RE: Update from Fairbanks Alaska

Date: Wednesday, May 5, 2010 3:26 PM

From: Hammond, Andrew <Andrew.Hammond@ARS.USDA.GOV>

To: "Bower, Cindy" <Cindy.Bower@ars.usda.gov>

Cc: "McLellan, Don" <Don.McLellan@ARS.USDA.GOV>

Andrew Hammond refused to interfere with Alberto Pantoja's unlawful activities in the belief that Agency policies do not support U.S. Civil Rights laws until after an EEO investigation forces them to comply. Of note, both the ARS and USDA personnel (who handled EEO complaints during the informal and formal EEO processes) received conclusive evidence of harassment and discrimination by Pantoja, but did not act on the information. Clearly, discrimination against women is fully tolerated.

Dr. Bower:

As stated in the Agency's Equal Employment Opportunity Policy Statement, discrimination of any kind will not be tolerated. However, once a formal complaint is filed, the Agency must develop a complete and impartial factual record. The EEO investigation will include a thorough review of the circumstances under which the alleged discrimination occurred, the treatment of members of the complaint's group (e.g., race, gender, age, etc.) compared with others not in this group, and any employment policies and practices which may constitute discrimination.

At this stage, it is my understanding that a decision has not yet been issued by EEOC, which will determine what course of action the Agency will take. All such complaints are serious issues for ARS; however, we must allow the complaint process to work through all the appropriate channels to ensure a fair and impartial outcome for all parties involved. As you are aware, the EEO complaint process is managed by the Office of Outreach, Diversity and Equal Opportunity (ODEO). If you or your legal representative have questions and/or concerns regarding the status of your complaint or the EEO process in general, please contact ODEO directly.

Below is the contact information for ODEO:

Donald L. McLellan, Ph.D.

Director, Office of Outreach, Diversity, & Equal Opportunity

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From: Bower, Cindy

Sent: Tuesday, May 04, 2010 1:22 PM

To: Hammond, Andrew

Cc: Matteri, Robert; Whalen, Maureen; Bradley, James; McLellan, Don; Knipling, Edward

Subject: Update from Fairbanks Alaska

Dr. Hammond,

This email is to ensure that you are fully aware of the current situation in ARS's Subarctic Agricultural Research Unit (SARU). I am now the only female research scientist under Dr. Pantoja's supervision. Although two women SYs are no longer with SARU, there still are three pending EEOC complaints against him, (one from every female research scientist in ARS-Alaska that he ever supervised).

The PWA's steadfast unwillingness to provide me with a workplace (and supervisor) free from unlawful discrimination and retaliation suggests disapproval of Agency EEO policies as well as disagreement with U.S. civil rights laws. If I've somehow misinterpreted PWA's actions, please feel free to provide clarification that better explains the evidence of discrimination and retaliation that I have been presenting to

you since 2007.

Thank you.

Cindy

Cindy Bower, Ph.D.

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