

# EXHIBIT

## 1

**This document was the final (signed) Settlement Agreement,  
which is confidential and cannot be published here.**

# EXHIBIT

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Cindy Bower

Webmaster at JusticeSleeps.com

Anchorage Alaska Area Research

Current

- **Webmaster at JusticeSleeps.com**

Past

- Research Food Technologist at USDA-ARS

Connections

1 connection

Cindy Bower's Experience

**Webmaster**

**JusticeSleeps.com**

Research industry

August 2010 - Present (8 months)

I left my research scientist position at USDA Agricultural Research Service (Fairbanks/Kodiak Alaska) after enduring years of harassment, discrimination, and retaliation by agency management personnel. As of August 20th (2010), there were no women research scientists remaining in the Subarctic Agricultural Research Unit (SARU), due to the ongoing (agency-approved) nature of the discrimination against women. See JusticeSleeps.com for more details.

**Research Food Technologist**

**USDA-ARS**

Government Agency Research industry

October 2004 - August 2010 (5 years 11 months)

This federal agency harassed and discriminated against all women research scientists in Alaska, until only male research scientists remained.

Cindy Bower's Contact Settings

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# EXHIBIT

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Attn: Paul  
Anchorage UI Claim Center  
PO Box 107224  
Anchorage, AK 99510-7224  
7 September 2010

*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)*

Paul,

Thank you for contacting me this morning. This fax contains the additional information that you requested. However, it is important to note that the terms of my EEOC settlement (08/19/2010) are confidential:

*Content redacted in accordance with a  
Cease and Desist request from the USDA  
Office of the General Counsel*

However, I am including the following EEOC settlement entry, since it is relevant to my recent resignation from the USDA Agricultural Research Service:

*Content redacted in accordance with a  
Cease and Desist request from the USDA  
Office of the General Counsel*

During the EEOC settlement on 19 August 2010, the Agency never offered to remove my abusive supervisor (or any of the other ARS administrators that I named as EEO Respondents) from my direct chain of command. Therefore, for purposes of establishing my eligibility for unemployment benefits here in Alaska, I am including the following documents as proof of the degree of harassment, discrimination, and retaliation that I was forced to endure before "voluntarily" resigning from the Agency.

Exhibit #1: Summary of Constructive Discharge

Exhibit #2: Discrimination Claims for EEOC

Exhibit #3: Request for EEOC Injunctive Relief (Dec. 2009) – no relief provided

Exhibit #4: Continued Discrimination, Retaliation and Harassment (2010)

Thank you for your consideration in handling this confidential information while processing my claim.

Sincerely,

Cynthia Bower  
PO Box 1383  
Kodiak, AK 99615  
CKBower319@gmail.com

# EXHIBIT

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# While Justice Lay Sleeping

## You Decide

The intent of this site is to present information and documents, then allow you to decide if the USDA Agricultural Research Service (ARS) harassed, discriminated, and retaliated against the women research scientists in the ARS's Subarctic Agricultural Research Unit (SARU) in Alaska.

*Fair enough?*

START

May this information serve as a "Defense against the Dark Arts" for other USDA women, (instead of just another "How To" manual for ARS men who wish to advance their own careers by eliminating their female competition).

# While Justice Lay Sleeping

You Decide

"Constructive Discharge" vs "Voluntary Resignation"

"Actionable Discrimination" vs "Petty Sights and Annoyances"

"RPES as a Legitimate Evaluation System" vs "RPES as an ARS Tool of Discrimination"



# While Justice Lay Sleeping

## You Decide

### **Constructive Discharge:**

When an employer creates working conditions that are so difficult, unpleasant, or intolerable (from discrimination) that a reasonable person would feel compelled to resign.

(<http://www.eeoc.gov/federal/directives/md110/appendixc.html>)

- Original claims of harassment, discrimination, and retaliation  
(i.e. if the USDA Agricultural Research Service had followed U.S. Civil Rights laws, the unlawful activities would have been stopped in 2008, rather than persisting into August 2010)
- More unlawful harassment, discrimination, and retaliation  
(i.e. if the USDA Agricultural Research Service had followed U.S. Civil Rights laws in 2007 when the unlawful activities were brought to their attention, these further incidences of harassment, discrimination, and retaliation would not have occurred)
- Injunctive Relief request filed with EEOC in December 2009, to halt unlawful retaliation  
(The EEOC judge received the motion for injunctive relief through certified mail, but never responded)
- Continuing harassment, discrimination, and retaliation in 2010  
(i.e. if the USDA actually supported equal employment rights for women research scientists in Alaska, the unlawful activities would have been stopped in 2008, rather than persisting into August 2010)
- EEOC-mediated settlement requests prepared for August 2010 meeting with USDA  
(where their concept of "Make Whole" relief translated to about five-cents on the dollar for my losses)
- Justifying unemployment insurance after "voluntarily" resigning from ARS in August 2010  
(because employees who quit their jobs are not entitled to unemployment benefits unless they can show constructive discharge)

## **More Unlawful Discrimination – an ongoing offense**

- Transfer to Kodiak
- ARS imposes unethical restrictions for journal authorship
- ARS refuses justification for tech authorship
- Conflict of Interest by my ARS supervisor at my annual appraisal

## Information Sent to Alaska Unemployment Office to Justify Unemployment Benefits

- Letter to request unemployment benefits after my Constructive Discharge from the ARS
- Summary of discrimination and retaliation that led to my Constructive Discharge from the ARS
- List of the discrimination claims sent to EEOC in January 2009
- 2009 Request to EEOC for Injunctive Relief in a (failed) attempt to stop ARS's unlawful discrimination
- Ongoing discrimination despite years of grievances, EEO complaints, and filing with EEOC

# While Justice Lay Sleeping

## You Decide

### **Gender Discrimination:**

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on sex. It is illegal to discriminate in any terms or conditions of employment, such as: 1) hiring and firing; 2) compensation, assignment, or classification of employees; 3) transfers and promotions. It is also unlawful to retaliate against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices. (<http://www.eeoc.gov/facts/qanda.html>)

### **Petty Sights and Annoyances:**

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. (<http://www.eeoc.gov/laws/practices/harassment.cfm>)

## **Grievances and Complaints (2007 - 2010)**

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- First Administrative Grievance Series
  - my first *informal* grievance to ARS (December 27, 2007)
  - response from ARS (January 24, 2008)
  - my first *formal* grievance to ARS (February 4, 2008)
  - response from ARS (March 14, 2008)
  - my request to ARS Administrator Knipling for Final Agency Decision (March 26, 2008)
  - final agency decision from ARS Administrator Knipling (May 27, 2008)

### **You Decide:**

**Do you believe that ARS Administrator Knipling acted ethically (i.e. in accordance with U.S. anti-discrimination laws) when he ruled that discrimination against ARS women research scientists is non-grievable?**

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- Second Administrative Grievance Series
- Third administrative grievance series
- Miscellaneous administrative communiques (submitted to ARS)
- Informal EEO complaint (submitted to ARS)

- Formal EEO complaint (submitted to USDA)
- EEOC complaint (submitted to the Equal Employment Opportunity Commission)
- My EEOC discovery requests (submitted to the ARS) and their (inadequate and evasive) responses
- ARS's EEOC discovery requests (submitted to me) and my responses
- EEOC deposition: The USDA Agricultural Research Service believes that a woman filing an EEOC complaint should be deposed *in the presence of the supervisor responsible for the discriminatory offenses.*
- My requests to my attorney to submit a Summary Judgment motion against the agency, (refused)
- Agency's Summary Judgement against me (and my attorney's responses)

# While Justice Lay Sleeping

You Decide

RPES as a Legitimate Evaluation System" versus "RPES as an ARS Tool of Discrimination"