

Institutional Discrimination by Race and Sex at AUI/NRAO (confidential draft, 2019 Jul 24, updated 2021 Sep 22)

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1. Defining Nondiscrimination: “Without Regard to Their Race, ...”

The original National Science Foundation (NSF) contract with Associated Universities, Inc. (AUI) that created the National Radio Astronomy Observatory (NRAO) in 1956 includes a short but comprehensive nondiscrimination clause which (1) prohibits the Contractor (AUI) from discriminating against any employee or applicant for employment, and (2) requires the Contractor to post NSF-written notices setting forth the provisions of that clause where its employees and job applicants can easily see them (Figure 1):

In connection with the performance of work under this contract, the Contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices provided by the Foundation setting forth the provisions of the non-discrimination clause.

In 1963 the nondiscrimination clause in NSF/AUI contract NSF-C50 was amended to incorporate President Kennedy’s Executive Order 10925¹ verbatim (Figure 2). Its second sentence gives the *operational definition* of nondiscrimination: applicants and employees must be treated “without regard to their race, ...” and is the legal instantiation of Martin Luther King’s 1963 dream: “I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.”

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will

¹https://en.wikisource.org/wiki/Executive_Order_10925

take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Article.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

The two-part “Equal Opportunity” clause in the 1974–78 NSF/AUI Contract C780 (Figure 3) is similar to the 1963 version but adds sex to the classes protected against discrimination to comply with Presidential Executive Order 11246² stating that federal contractors “will not discriminate against any employee or applicant for employment because of race, color, religion, sex, . . .” It is the “gold standard” giving the operational definition of nondiscrimination and requiring the Contractor to take affirmative action to ensure nondiscrimination. It is printed in bold type because it is the foundation of this memo and will be referenced repeatedly.

1. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this “Equal Opportunity” clause.

²<https://www.dol.gov/ofccp/regs/statutes/eo11246.htm>

2. The Contractor will, in all solicitations or advertisements for employees placed on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

Note that this “Equal Opportunity” clause makes four separate demands of the Contractor:

- The Contractor will not discriminate against *any* employee or applicant by treating *all* (my emphasis) employees and applicants for employment “without regard to their race, color, religion, sex, or national origin.” Note that nondiscrimination is automatically inclusive of all employees and applicants for employment. It prohibits AUI/NRAO “Diversity and Inclusion” programs that privilege (The frequently misused term “privilege” derives from the Latin for “private law” and refers to “a special advantage or right possessed by an individual or group.”³) members of favored groups (primarily federally recognized racial and ethnic minorities, and women) and thereby discriminate against all others (e.g., Jews, Asian-American, and non-Hispanic white men).
- The Contractor “will take affirmative action” (that is, be proactive) to ensure that all applicants and employees are treated without regard to their race, color, religion, sex, or national origin. Taking affirmative action to ensure that race, color, religion, sex, or national origin are *not* factors in hiring and employment should not be conflated with later so-called “affirmative action” programs that *deliberately* take race, color, religion, sex, or national orientation into account in order to privilege favored groups of job applicants or employees on the basis of race, ethnicity, or sex (usually African-Americans, Native Americans, Hispanic/Latinos, Pacific Islanders, and women).
- The Contractor must agree to “post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer (NSF) setting forth the provisions of this Article” so all employees know their right not to be discriminated against. The important point here is the required notices are “to be provided by the Contracting Officer.” The Contractor (AUI or NRAO) is not free to revise or replace them with multiple misleading, ineffective, contradictory, or outright discriminatory statements written by the Contractor. Doing so is a red flag warning employees and applicants for employment that the Contractor is not taking affirmative action to prevent discrimination, and may be discriminating for its own benefit (e.g., caving in to peer pressure led by identity groups demanding discrimination in their favor).

³<https://www.dictionary.com/browse/privilege>

- The Contractor will post advertisements stating that all qualified job applicants will be considered “without regard to . . .” protected characteristics such as race and sex. Again, the failure to include the NSF-required phrase in employment advertisements or neutering it with discriminatory qualifiers written by the Contractor is a red flag to applicants that the Contractor is not taking affirmative action to prevent hiring discrimination, and may be discriminating for its own benefit.

So far as I know, Dave Heeschen did not allow discrimination while he was the NRAO Director (1962–78). Not only was it legally and morally the right thing to do, nondiscrimination was necessary to produce the best science, which is the ultimate justification for the NRAO’s existence. In the early 1960s the US was still trying to catch up in radio astronomy, so hiring on the basis of merit alone enabled the NRAO to hire an outstanding scientific staff even though foreigners from Germany, Holland, England, Canada, Australia, . . . were overrepresented. Likewise, the NRAO earned a stellar reputation among astronomers worldwide for its “open skies” policy of granting telescope time on the basis of proposals ranked by scientific and technical merit alone, without regard to the principal investigator’s country of origin, and at that time it went without saying, without regard to race, color, religion, or sex.

By clearly promising and practicing nondiscrimination, and by rewarding scientific and technical merit, the NRAO earned the trust of its staff astronomers and its users worldwide. While I was a grad student at Cornell, my professors praised NRAO staff, policies, and practices. Their admiration was a factor in my 1972 decision to decline a postdoc offer from Caltech in favor of one from the NRAO. Several years later the NRAO offered me a tenure-track position, which I gladly accepted in order to work with outstanding colleagues chosen for their abilities and to use telescopes devoted to producing the best science.

2. Institutional Discrimination at AUI/NRAO

Unfortunately, AUI/NRAO has since violated the NSF policy prohibiting discrimination and rewarding merit. The NSF’s “gold standard” 1974–78 nondiscrimination policy highlighted in Section 1 remained the official face of the NRAO at least until 2010 (Figure 4), so early race and sex discrimination had to remain rare and covert. Later the NSF nondiscrimination policy was gradually replaced by multiple AUI/NRAO policies that are ambiguous, misleading, self-contradictory, or hidden from public view so that AUI/NRAO could evade the requirements for recruiting, hiring, and treating employees “without regard to” race, sex, . . . and practice discrimination without being conspicuous. During the current decade, not only has AUI/NRAO institutional discrimination become more brazen, but employees

and job applicants have been pressured to agree with, participate in, and promote these discriminatory policies.

The costs of deprecating the NSF’s clear non-discrimination policy and replacing it with unclear, contradictory, or clearly discriminatory policies include a growing loss of trust in AUI/NRAO by job applicants and employees alike, the creation of a hostile working environment that silences constructive criticism by employees who fear being ostracized if they speak out, deterring job applicants who will not agree to support discrimination disguised as “diversity,” limiting pay increases and opportunities for advancement of employees who refuse to discriminate, and compelling all employees on threat of termination to certify that they support AUI/NRAO policies that they may neither support nor understand. The direct costs of discrimination itself include unfair treatment of employees and applicants for employment, loss of talent and capabilities needed to fulfill NRAO’s scientific mission, identity politics and “intersectional” status conflicts that are fracturing the NRAO into tribes competing for the spoils of discriminatory “diversity” policies, and NRAO resources diverted to supporting a growing “diversity” bureaucracy instead of doing better science.

This memo presents examples of institutional race and sex discrimination at AUI/NRAO that I have observed or experienced over four decades. It concludes with recommendations to end institutional discrimination and to restore fairness and trust at AUI/NRAO.

3. The Racial Set-aside of 1981

To evade the NSF’s posted nondiscrimination policy (Section 1), most NRAO discrimination had to be covert at first, revealed confidentially only to those employees with a need to know because they were closely involved with hiring and promotion. I first encountered racial discrimination by the NRAO as a member of the postdoc hiring committee.

That committee consisted primarily of young NRAO astronomers and was chaired by Assistant Director Bob Havlen. Each year, individual members first read all of the NRAO postdoc applications and selected candidates meriting consideration by the whole committee. After the union of their individual selections was distributed to the whole committee, each member could add any candidates who might still have a chance, just to make sure nobody fell through the cracks. This process typically yielded about a dozen candidates selected by at least one committee member, and all were thoroughly discussed by the full committee. Finally the committee produced a rank-ordered short list of candidates and recommendations for the Director. The Director normally made offers using that short list, with only minor deviations from the committee’s rankings for legitimate scientific reasons — to ensure that

a critical research area was represented, for example.

However, after the committee discussions in 1981, Bob announced that our short list should be shorter than usual since Director Mort Roberts had already set aside one postdoctoral position for [name redacted] because she was black. The committee was stunned. Not one committee member found her application worthy of discussion because it was not even close to being competitive on merit. The committee had never been told she was black, so I know that at least my decision had been made “without regard to race.” The Director did not participate in the committee meetings and created this racial set-aside before receiving the committee report. As a consequence, one of the better candidates on our short list was denied an NRAO postdoctoral fellowship on the basis of race.

Neither I nor anyone else on the committee (so far as I know) had the courage to confront the Director because we still had most of our careers ahead of us. This incident happened 38 years ago, so nearly all NRAO scientists less than 65 years old in 2019 were hired since AUI/NRAO began discriminating by race.

In fairness to AUI/NRAO, the NSF gave an implicit green light to discriminate because the NSF itself began discriminating openly in the early 1980’s. For example, the NSF “Visiting Professorships for Women” program (Figure 5) and its successor “targeted” NSF programs such as POWRE (Professional Opportunities for Women in Research and Education) set aside millions of dollars in awards exclusively for women (Figure 6) starting in 1982. This sex discrimination was so blatant that the NSF had to neuter its own nondiscrimination policy by adding the parenthetical qualification (shaded region at the bottom of Figure 6) below:

NSF welcomes proposals from all qualified scientists, engineers and educators. The Foundation strongly encourages women, [racial] minorities, and persons with disabilities to compete fully in its programs. In accordance with federal statutes, regulations, and NSF policies, no person on grounds of race, color, age, sex, national origin, or disability shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from NSF (unless otherwise specified in the eligibility requirements for a particular program).

This all happened early in the post-civil-rights era, so the NSF had no choice but to pair its required nondiscrimination statement with the qualifier “(unless otherwise specified in the eligibility requirements for a particular program)” in a single paragraph, where the contradiction was too obvious to be missed. Subtler ways to discriminate have since been developed, as described in later sections of this memo.

4. See No Evil: The Racial Job Set-aside of 2008

AUI/NRAO non-discrimination policies never instantly self-repudiated by concluding “unless otherwise specified in the eligibility requirements for a particular program.” The racial set-aside of a tenured Astronomer position in 2008 illustrates the power of keeping contradictory policies separate, the choice of which allowed AUI/NRAO to discriminate by race while publicly maintaining its non-discrimination policies.

The 2004 version of the NRAO Employee Handbook continued to promise a strict policy of hiring purely on merit and said that the Observatory would take affirmative action to back up its promise (Figure 7):

The Observatory will select the best qualified candidate to perform the duties of an available position and will give first consideration to current full-time employees whenever practical. The Observatory will not discriminate against any employee or applicant because of race, creed, color, age, sex, national origin, mental or physical disability, or veteran status.

Further the Observatory will take affirmative action to ensure that all employment decisions are based purely on the qualifications of each applicant and employee, without regard to race, creed, color, age, sex, national origin, mental or physical disability, or veteran status.

That public nondiscrimination policy lasted until at least 2010, when the NRAO posted an even broader Equal Opportunity statement promising that the Observatory will take affirmative action not to discriminate on the basis of any characteristic protected by law and will select “the best qualified candidate” (Figure 4):

The Observatory will take affirmative action to ensure that applicants are employed, and that all employees are treated during employment, without regard to their race, color, religion, sex, age, disability, marital status, citizenship, or any other characteristic protected by law. Further, the Observatory will take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals, qualified disabled veterans, and veterans of the Vietnam Era without discrimination based on their disability or veteran’s status in all employment practices. The Observatory will select the best qualified candidate to perform the duties of an available position and will give first consideration to present employees whenever practical.

Note that in 2010 the NRAO still used “affirmative action” to mean treating everybody “without regard to their race, color, religion, sex, . . .” rather than favoring one race over others.

Furthermore, as the 2006 Scientific Staff Policy Manual stressed, AUI/NRAO recognized that merit is *especially* important to its scientific mission and strengthens institutional loyalty, so it should be the *only* criterion for appointment, promotion, and tenure for individual scientific staff members:

All appointments and promotions are based on qualifications and performance without regard to race, color, religion, gender, ethnicity, age, disability, marital status, veteran status, or any other characteristic protected by law.

AUI has a well-defined tenure and promotion system that attracts capable and highly qualified individuals as staff members, strengthens institutional loyalty, and encourages scientific excellence by supporting, retaining, and rewarding the most able people. Promotion and tenure imply selectivity and choice on behalf of the Observatory; they are awarded for scientific and professional merit only.

Despite multiple AUI/NRAO promises spanning 2004–2010 that “qualifications and performance without regard to race . . .” are the only basis for hiring scientists and that tenure is awarded for “scientific and professional merit only,” the February 2009 “Associated Universities, Inc. Action Plan for Broadening Participation” Section 3.1.1.3 (Figure 8) reported that the AUI Board decided to make a race-exclusive tenure-track hire:

In June 2007, the [AUI] Board of Trustees passed a resolution to support NRAO diversity recruitment and staff development initiatives with Corporate funds to share in the costs associated with new hires at the NRAO who explicitly meet one or both of the following criteria:

Improve NRAO’s staff diversity

Maintain a staff with the technical skills necessary to retain NRAO’s leadership position in radio astronomy science.

For 2008 and 2009, the AUI Board of Trustees approved using Corporate funds to help recruit a senior African-American astronomer, who now holds a joint tenured faculty appointment at NRAO and the University of Virginia.

This tenured position was a racial set-aside explicitly created for and open to African-Americans only—no whites or Asians need apply. The coyly unnamed (a red flag that the AUI did something shameful) senior African-American astronomer recruited and hired

into a joint tenured faculty appointment at NRAO and the University of Virginia is [name redacted], who already was a tenured professor at SUNY (State University of New York) at Stony Brook. Thus he was poached from SUNY by AUI/NRAO, allowing the NRAO to present itself as being “more diverse” at the expense of making SUNY “less diverse,” so there was zero net increase in “diversity.” This racially exclusive hire was and is not really a secret; the full “Associated Universities, Inc. Action Plan for Broadening Participation” quoted above is still posted on the *public* NRAO website⁴ by the NRAO’s Office of Diversity and Inclusion (ODI) as a virtue signal to the whole world.

I was the chairman of the NRAO tenure committee at that time. NRAO Director Fred Lo told me to send a tenure recommendation letter to AUI, fast. The tenure committee was not allowed the time needed to make a proper decision using the due diligence (carefully reviewing the candidate’s record, getting letters of recommendation from at least eight external referees who are “high caliber scientists that have prominent national and international standing,” , preparing a “complete dossier for a tenure recommendation,” etc.) required in every prior tenure case. Everybody involved knew what was happening, and I resisted, but I am sorry to admit that I finally caved under pressure from the Director. By pure coincidence, in 2004 I had been asked by SUNY to write a recommendation letter for his promotion to tenure there, so I simply copied the contents of my 2004 SUNY letter into his AUI tenure letter.

Notably the entire “Associated Universities, Inc. Action Plan for Broadening Participation” document justifying this race-exclusive hire never mentioned the word “merit” (as in “Promotion and tenure imply selectivity and choice on behalf of the Observatory; they are awarded for scientific and professional merit only.”) or the word “regard” (as in “The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin.”). Instead of making and then retracting their equal-opportunity promise in the same paragraph the way the NSF did in 1982 (“unless otherwise specified in the eligibility requirements for a particular program”), in 2008 AUI/NRAO simply closed their eyes and pretended that their other nondiscriminatory hiring policies did not exist.

Finally, recall that AUI had justified its system of promotion and tenure “awarded for scientific and professional merit only” on the grounds that it “attracts capable and highly qualified individuals as staff members, strengthens institutional loyalty, and encourages scientific excellence.” Does AUI also recognize the obvious implication that hiring, promotion, and tenure tainted by race discrimination does not attract the most capable and highly qual-

⁴<https://info.nrao.edu/do/odi/ActionPlanForBroadeningParticipation.pdf/view>

ified individuals as staff members, weakens institutional loyalty, and discourages scientific excellence? As for strengthening institutional loyalty, using the phrases “broadening participation” and “improving NRAO’s staff diversity” to justify racial discrimination explains why many NRAO employees do not trust ODI (Office of Diversity and Inclusion) policies and silently endure but do not support ODI programs purporting to broaden participation or improve diversity.

5. “On the Basis of Sex”: Double-Standard Hiring Policies

Equal opportunity is “not discriminating against people because of their race, color, religion, national origin, sex . . .” and an equal opportunity employer is “an employer who agrees not to discriminate against any employee or job applicant because of race, color, religion, national origin, sex, physical or mental disability, or age” (on-line Merriam-Webster Dictionary). Equity means “something that is just, impartial, and fair” (The American Heritage Dictionary of the English Language, 4th Edition) or “the situation in which everyone is treated fairly and equally” (The Cambridge Dictionary of English).

It was necessary to quote those standard dictionary definitions because the Newspeak dictionary of the “Guiding Principles” in “Equity Now: The Pasadena Recommendations for Gender Equality in Astronomy”⁵ by the AAS Committee on the Status of Women in Astronomy (CSWA) operationally redefined “equal opportunity” as “outcome” to make quotas sound like equal opportunity and redefined “gender equity” as proportional representation to make diversity hiring double standards sound fair:

The measure of equal opportunity is outcome, i.e., gender equity will have been attained when the percentage of women in the next level of advancement equals the percentage in the pool.

This CSWA Pasadena recommendation:

If two candidates for the same position have equal qualifications within the uncertainties, the candidate from the under-represented group should be hired.

explicitly calls for sex-based discrimination, as defined by the Equal Employment Opportunity Commission (EEOC)⁶:

⁵<https://cswa.aas.org/pasadenarecs.html>

⁶<https://www.eeoc.gov/laws/types/sex.cfm>

Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person’s sex.

That same EEOC web page also says about sex discrimination and work situations:

The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Furthermore, the EEOC prohibits privileging members of “under-represented” groups⁷,

(j) Preferential treatment not to be granted on account of existing number or percentage imbalance

in accordance with the Civil Rights Act of 1964, Title VII, Section 703(j) (see Figure 9):

Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

The *Pasadena Recommendations* for hiring also violate every AUI/NRAO EEO policy stating that all job applicants must be treated fairly, without regard to sex. The right of each male applicant to be judged solely on merit was sacrificed to the demand for preferential treatment of females. To the extent that “under-represented” is also applied to selected racial minorities (see below), the *Pasadena Recommendations* also discriminate on the basis

⁷<https://www.eeoc.gov/laws/statutes/titlevii.cfm>

of race. By redefining “equity” as proportional representation and “equal opportunity” as outcome, the *Pasadena Recommendations* Orwellian Doublespeak⁸ make discrimination against individual members of “overrepresented” groups sound logically impossible. On what grounds could members of an “overrepresented” possibly complain that they were not treated equitably or given equal opportunity?

While it is disappointing but not surprising that the CSWA promotes discrimination in favor of its own identity group, AUI/NRAO should not go along. Unfortunately, for many years the home page of the AUI website virtue-signaled that AUI did go along (Figure 10):

*ASSOCIATED UNIVERSITIES, INC. FULLY ENDORSES [their bold caps]
the principles of the AAS Pasadena Recommendations for Gender Equality in
Astronomy.*

That announcement was reinforced by a link to the original CSWA double-standard web page. By this means, AUI endorsed sex discrimination without having to say so outright. As a general rule, policies that cannot be defended openly are problematic.

AUI/NRAO never *openly* admitted having a double standard for hiring, either, but did reveal it while pandering to the limited audience of their 2006 “AUI Corporate Confidential” management report to the NSF (Figure 11). This report describes several NRAO discriminatory recruiting and hiring policies that violate the rule “all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin” and concludes:

Finally, NRAO has adopted the policy that if two candidates for professional and management positions are deemed equal, within reasonable uncertainty, then a member of an underrepresented group is given priority.

The full context of that statement (Figure 11) reveals the intention of AUI/NRAO to discriminate by race in addition to sex. Section 6 below shows how the NRAO actually implemented these double-standard hiring policies in 2004 and 2006.

⁸“Doublespeak is language that deliberately obscures, disguises, distorts, or reverses the meaning of words. Doublespeak may take the form of euphemisms (e.g. “downsizing” for layoffs, “servicing the target” for bombing), in which case it is primarily meant to make the truth sound more palatable. It may also refer to intentional ambiguity in language or to actual inversions of meaning. In such cases, doublespeak disguises the nature of the truth. Doublespeak is most closely associated with political language”, <https://en.wikipedia.org/wiki/Doublespeak>

AUI/NRAO should not forget that the Associated Universities which formed AUI have a long history of discriminating against “overrepresented” ethnic, religious, and racial groups. The most notorious example is Harvard University. In 1922 Harvard President A. Lawrence Lowell introduced a quota limiting overrepresented Jews to 15% of the student population during the two decades preceding World War II. His overt ethnic/religious quota provoked so much faculty opposition that he was forced to drop it. To achieve his goal surreptitiously, he later “transform[ed] the admissions process from a simple objective test of academic merit into a complex and holistic consideration of all aspects of each individual applicant; the resulting opacity permitted the admission or rejection of any given applicant, allowing the ethnicity of the student body to be shaped as desired. As a consequence, university leaders could honestly deny the existence of any racial or religious quotas, while still managing to reduce Jewish enrollment to a much lower level, and thereafter hold it almost constant during the decades which followed.”⁹ Lowell’s new holistic admissions policy added “character” and geographic location as admission criteria and was justified as ensuring that “the student body will be properly representative of all groups in national life.”¹⁰

Today Harvard is being sued for racial discrimination against Asian-American applicants because they, too, are overrepresented.¹¹ Discrimination against “overrepresented” groups is not just allowed, but promoted, by the AUI-endorsed *Pasadena Recommendations* to ensure “equity” measured by outcome (i.e., racial/ethnic/religious/gender equity will have been attained when the percentage of Jews/Asians/males accepted has been lowered to equal the percentage in the applicant pool). The *Pasadena Recommendations* for discrimination to achieve “equity” of outcome and its “diversity” equivalent, to improve “statistical appearance,” are direct descendants of Lowell’s actions to ensure that “the student body will be properly representative of all groups in national life.”

AUI/NRAO should review its own discriminatory “equity” and “diversity” policies in the light of this ugly history. Are they really any better than Harvard’s?

⁹Karabel, Jerome 2005, *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale, and Princeton*, ISBN-13: 979-0-618-57458-2

¹⁰<https://www.thecrimson.com/article/2015/3/26/retrospection-president-lowells-quotas/>

¹¹<https://docs.google.com/viewer?docex=1&url=http://studentsforfairadmissions.org/wp-content/uploads/2014/11/SFFA-v.-Harvard-Complaint.pdf>

6. “On the Basis of Sex”: Double-standard Hires of 2004 and 2006

I know that the NRAO actually implemented the double-standard policies described in Section 5 during at least two tenure-track hires because I was a member of the hiring committees. Both are clear examples of the NRAO breaking its current public promises of nondiscrimination.

To set the stage for the 2004 hire, see the NRAO “Affirmative Action for Minorities and Females 2004 Statement of Policy” signed by Director Fred K. Y. Lo (Figure 12). It promised that hiring in all job titles would be made “without regard to” sex:

It will be the policy of the National Radio Astronomy Observatory, in accordance with all applicable laws, to recruit, hire, train and promote persons in all job titles without regard to race, color, religion, sex, age, disability, or national origin, or any other basis prohibited by applicable law.

The 2004 tenure-track hiring committee was chaired by Miller Goss, head of NRAO’s DSAA (Division of Science and Academic Affairs). He announced at the beginning of our first teleconference that, in the event of a tie between a woman a man, the woman wins. A tie between a woman and a man did occur, and the woman [name redacted] was recommended and hired in favor of the man, who was not. This result of this discriminatory hiring process was a loss for all concerned, even the “winner.” A woman hired this way cannot say that she was hired because the committee thought she was the best candidate, only that she was the best female candidate and not significantly worse than her male competitors. The best male candidate was a “diversity” victim — he certainly was not treated fairly, and there is a 50:50 chance he was denied a position on the NRAO tenure track on the basis of his sex. The NRAO caved under peer pressure and betrayed its own 2004 policy of hiring and promoting the best tenure-track astronomers, a policy previously valued because it “attracts capable and highly qualified individuals as staff members, strengthens institutional loyalty, and encourages scientific excellence.” At the time, I had just been appointed NRAO acting deputy director, not because I was an experienced administrator, but because someone was needed to stick a finger in the dike at a difficult time during ALMA construction and to craft the NRAO response to the NSF’s “Senior Review.” Although I opposed the double-standard hiring policy, I decided this was a bad time to rock the boat.

To set the stage for the 2006 tenure-track hire, read this quote from the 2006 version of the NRAO Scientific Staff Policy Manual (rev. April 26, 2006):

All appointments and promotions are based on qualifications and performance

without regard to race, color, religion, gender, ethnicity, age, disability, marital status, veteran status, or any other characteristic protected by law.

The 2006 tenure-track selection committee was also chaired by DSAA head Miller Goss. He sent an email to the whole committee (Figure 13) on the day before its first teleconference, stating in writing that the advantage goes to the minority candidate “as in all NRAO selections”:

In case of a tie the advantage goes to the minority candidate as in all NRAO selections.

This statement by the DSAA head asserts that discriminating by using a racial and/or sexual double standard was not just an aberration; it was policy for all NRAO selections. The double-standard policy had to be revealed to the hiring committee so it could be implemented, but needless to say it was never posted “in conspicuous places, available for employees and applicants for employment” (Figures 1–3). I should have resigned from the committee, but I did not.

7. “On the Basis of Sex”: NRAO’s Double-standard Hiring Policy Today

In 2016 and 2018 all NRAO employees had to complete a mandatory review of NRAO “critical policy statements” and certify their support for those statements. During the 2016 review process, I could not reconcile the NRAO’s EEO non-discrimination statement posted on 2016 January 7 (Figure 14):

The Observatory will monitor and review the application/recruitment process to ensure that all applicants are treated fairly, without regard to their race, color, religion, sex, age, disability, gender identity, gender expression, sexual orientation, marital status, national origin or any other characteristic protected by law.

with the contradictory double-standard hiring policy (Section 5):

If two candidates for professional and management positions are deemed equal, within reasonable uncertainty, then a member of an underrepresented group is given priority.

I therefore refused to “sign off” on the NRAO policy (Figure 15). Following the instructions on that “sign off” page, I sent an email (Figure 16) to Faye Giles, NRAO Assistant Director

for Human Resources (HR) Department, asking for an explanation. Her response (Figure 17) was:

The two statements refer to two different stages of the application process. They are compatible. In the first step of the recruitment process, NRAO is committed to ensuring that applicants are treated fairly:

Fairness is making judgments that are free from discrimination. Once all applicants are considered fairly, the second policy comes into play. If two candidates are deemed essentially equal, then because NRAO is actively attempting to gain the benefits of a diverse workforce, for demonstrable reasons- priority will be given to the member of the underrepresented group. While this is idea, there is no real evidence that this occurs at NRAO as our demographics have not changed significantly during my tenure here. It really is critical to continue to work on making sure that our workforce reflects the demographics of our communities. We are really trying to improve the demographics for those vacancies that don't require a PhD. Our census data informs us that there is available underrepresented talent in the surrounding counties/cities where our sites are located. Since we are paid from government funds, we have to report on our efforts to attract and hire underrepresented candidates. We are subjected to audits from the Department of Labor as well as from other federal agencies.

Thus there is no contradiction: the NRAO says it *recruits* fairly (although it actually does not even do that; see Section 9), but after that, the NRAO *hires* using an unfair double standard “If two candidates are deemed essentially equal, then because NRAO is actively attempting to gain the benefits of a diverse workforce, for demonstrable reasons-priority will be given to the member of the underrepresented group.” This despite page 5 of the NRAO Employment Application Form (Figure 18) assuring applicants that:

The NRAO is an equal opportunity employer. We adhere to a policy of making employment decisions without regard to race, color, religion, sex, sexual orientation, national origin, citizenship, age, disability, or veteran status. We assure you that your opportunity for employment with the NRAO depends solely on your qualifications.

A job applicant might reasonably conclude that “employment decisions” including hiring as well as recruiting.

That distinction between recruiting and hiring was sufficiently misleading to fool me. How many of the NRAO employees forced to certify that they understand NRAO policies

actually knew that “priority will be given to the member of the underrepresented group” or that “making employment decisions without regard to race, color, religion, sex, . . .” does not apply to the hiring step? So far as I know, this two-step double-standard hiring policy has never been “posted in conspicuous places, available for employees and applicants for employment.”

A close reading of the current “EEO Statement” on the NRAO Diversity web page (Figure 19) reveals it really does promise only that “The Observatory will monitor and review the application/recruitment process to ensure that all applicants are treated fairly, without regard to their race, color, religion, sex . . .,” which is consistent with the HR response “NRAO is committed to ensuring that applicants are treated fairly.” It just does not continue with “Once all applicants are considered fairly, the second policy comes into play. If two candidates are deemed essentially equal, then — because NRAO is actively attempting to gain the benefits of a diverse workforce, for demonstrable reasons — priority will be given to the member of the underrepresented group.”

The NRAO’s EEO Statement in Figure 19 is a perfect example of why the NSF nondiscrimination statement (Figure 3) required the Contractor (AUI/NRAO) to post EEO notices “provided by the Contracting Officer [NSF]” instead of allowing the NRAO to write its own EEO Statement, which in this case overlooks NRAO hiring discrimination because “NRAO is actively attempting to gain the benefits of a diverse workforce.”

The head of HR also defended the NRAO’s double-standard hiring policy affecting only “essentially equal” candidates because such discrimination is so weak that it did not have the intended effect of reducing the fraction of non-Hispanic white male employees (See “While this is [the] idea, there is no real evidence that this occurs at NRAO as our demographics have not changed significantly during my tenure here.” in Figure 17).

However, weak or inefficient discrimination against only “essentially equal” male candidates is actually no better in the long run than absolute discrimination against men. No matter how weak or strong the discrimination, for each job given to the “diversity” candidate on the basis of race or sex, another job was stolen from the “non-diverse” candidate by race or sex discrimination. Let $0 \leq f \leq 1$ be the fraction of double-standard hires that result in additional female hires by discriminating against “essentially equal” men. Absolute discrimination by setting aside female-only positions corresponds to $f = 1$, and equal opportunity implies $f = 0$. The criteria for HR’s “essentially equal” or CSWA’s Pasadena recommendation “equal qualifications within the uncertainties” are deliberately vague, so the value of f for double-standard hiring is somewhere in between; e.g., $f = 0.1$ implies that only 10% of the hiring opportunities resulted in a discriminatory hire, while $f = 0.5$ means that half did. The point is, any $f > 0$ is discriminatory, and the exact value of f *does not matter*

because all values of $f > 0$ are equally harmful in the long run. For the double-standard hiring policy to reach its diversity goal by adding any number ΔN of additional females, the number of double-standard hiring opportunities must be $N = \Delta N/f$. For example, to reach $\Delta N = 5$ requires $N = \Delta N/1 = 5$ set-aside ($f = 1$) hiring opportunities or $N = 5/0.1 = 50$ rarely discriminatory ($f = 0.1$) hiring opportunities. The NRAO will have to continue discriminating for a longer time to reach its ultimate goal of “making sure that our workforce reflects the demographics of our communities,” but it will ultimately have to discriminate against the same number $\Delta N = 5$ of men to get there. Slowly peeling off a sticky bandage yanks out as many hairs as pulling it off quickly.

Finally, while the NRAO may have to report on efforts to attract and hire underrepresented candidates, and the NRAO may be subjected to federal audits, the NRAO is not required, or even allowed, to grant preferential treatment to any individual on the basis of belonging to an underrepresented group. See the Civil Rights Act of 1964, Title VII, Section 703(j) (Figure 9):

Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

I conclude that AUI/NRAO should be held accountable for its hiring discrimination.

8. Membership Quotas for Hiring Committees and for Performance Review Panels

The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their

race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer . . .

Section 7 of this memo did not report on tenure-track hires after 2006 because I was not allowed to serve on any subsequent tenure-track hiring committee.

Following the request for volunteers (Figure 20) to serve on the 2014 NAASC (North American Alma Science Center) tenure-track search committee, I volunteered and submitted the requested “paragraph describing your interest in participating” (Figure 21). Apparently my paragraph was satisfactory, because I received an email signed by Phil [Jewell] (Assistant Director for NA ALMA Operations), Tim (Bastian?), and Faye Giles (Human Resources Manager/Diversity Officer) saying I was selected to serve on the committee (Figure 22). However, about an hour before its first meeting, I was surprised when Phil came to my office and dis-invited me. Another white male (who wishes to remain anonymous) was disinvited at the same time.

I would not have been surprised had I been aware of page 50 in the *NRAO FY 2013 Annual Progress Report*:

HR enhanced its recruitment policies to ensure that search committees and candidate pools for all vacancies include a cross section of available talent. A comprehensive recruitment guide outlines the criteria for search committee makeup and processes to ensure that diverse sourcing and review were implemented. The diverse sourcing matrix continues to be updated and provides recommendations that are communicated to hiring managers.

Burying this discriminatory hiring policy on page 50 of the *NRAO FY 2013 Annual Progress Report* surely does not qualify as posting “in conspicuous places, available to all employees.”

The actual use of the undefined “diverse sourcing matrix” to discriminate against [non-Hispanic white] male members of NRAO hiring committees was recently corroborated by an anonymous woman’s complaint in the AUI/NRAO and GBO (Green Bank Observatory) “Climate for Women Survey 2018 Committee Report” (Figure 23)

I am constantly asked to be on hiring committees and when I recommend a male counterpart, the hiring manager is not interested.

The “enhanced” HR recruitment policies have silenced the voices of non-Hispanic white male employees hoping to guide the future composition of the scientific staff and deprived

them of their right to vote on which candidates to recommend for hiring. They further discriminate against non-Hispanic white male employees because service on such committees affects pay raises and promotions during NRAO’s annual performance evaluation process (PEP). Finally, search committees selected by discriminatory procedures are more likely to discriminate against job applicants.

A related example of disparate employee treatment is the annual performance evaluation process (PEP) used by the NRAO to determine pay and advancement. Employees in technical fields (e.g., scientists and engineers) are evaluated by panels of their peers, panel members formerly chosen on the basis of technical expertise without regard to sex. Recently sex became a large factor in review panel membership because gender-balancing “diversity” quotas require discrimination to ensure that half of the panel membership is female even though females constitute only about one-fourth of the technical employee pool. This violates the NRAO’s HR Policy Manual: Section 2: Workplace Rules of Engagement and Conduct, page 28, which states “The law and the policies of the organization prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges, and prerequisites of employment.”

Quotes below from the “Climate for Women Survey 2018 Committee Report” show that sex discrimination used to satisfy “diversity” requirements for gender-balanced hiring committees and PEP review panels is bad for everyone involved, even the intended beneficiaries. If there are three men for each woman in technical positions at the NRAO, gender balancing means that each man now has only 1/3 the vote of each woman in hiring decisions and performance evaluations. Each woman has a doubled “service” workload and less time for her regular work.

Most disenfranchised Asian and non-Hispanic white men are afraid to speak up about not being treated equally, and they self-censor. Some of the overloaded women were not afraid to speak anonymously for the AUI/NRAO and GBO “Climate for Women Survey 2018 Committee Report” (Figure 23). The report noted:

The lowest score for the question regarding men and women being treated equally goes to the statement “pressure to perform service work (e.g., hiring committee, panel reviews, and recreation association),” a new question on the 2018 survey. 23% said they felt pressured into participating in service related opportunities.

Here are two of the complaints by NRAO women pressured to perform more service work in order to satisfy “diversity” requirements:

Women may sometimes face more pressure than men to perform service work in order to have gender-balanced committees. It is difficult to say no, even if it means over-committing.

As a woman at the observatory, I am asked to do significantly more service work than my male colleagues in order to satisfy diversity requirements. In addition, there is strong pressure to say "yes" to most of these commitments.

Although these NRAO women were able to complain anonymously, they were pressured to say “yes” and are afraid to say “no” to their managers.

The AUI/NRAO/GBO “Climate for Women Survey 2018 Committee Report” Section asked “Based upon your personal experience, do you believe that women are given equal consideration in the following areas?” in 15 areas of potential discrimination by sex (recruitment and selection, compensation for doing the same job, ...). AUI/NRAO/GBO women gave the the lowest “equal consideration” score to the problem entirely *caused* by the “diversity” quotas supposedly favoring women.

No notice announcing the use of sex and race discrimination to bias the composition of NRAO’s hiring committees and PEP panels has ever been posted “in conspicuous places, available to employees and applicants for employment.” As a general rule, discriminatory employee policies that the NRAO cannot or will not post conspicuously for all to see are bad policies, likely to generate employee dissatisfaction, cause employee distrust of AUI/NRAO administrators and managers, and create friction between identity groups in the Observatory.

9. Discrimination by Selective and Targeted Recruiting

AUI/NRAO job advertisements no longer comply with the “Equal Opportunity” requirement (Figure 3):

The Contractor will, in all solicitations or advertisements for employees placed on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

Recent job advertisements (e.g., Figure 24) do not even promise that the NRAO is an equal opportunity employer of *all qualified applicants*; it selectively offers “equal opportunity” only to applicants who can check one of the M/F/D/V boxes:

The NRAO is an equal opportunity employer (M/F/D/V),

where M stands for minority¹², F for female, D for disabled, and V for veteran. It is not inclusive of other ethnic or racial minorities (e.g., Jews, Asians) and racial majority (non-Hispanic white) male candidates. To applicants not belonging to any of these equal-opportunity groups, this NRAO job advertisement is saying “All applicants are equal, but some applicants are more equal than others.”

Equality is symmetric: if $A = B$, then $B = A$. In other words, “What’s sauce for the goose is sauce for the gander.” Before the NRAO restricts its equal-opportunity statement to (M/F/D/V) candidates in job postings, it should consider how it would look claiming to be an equal opportunity employer (J/A/A/WM) of able-bodied Jewish, Asian, and non-Hispanic white males. *Any* exclusionary qualifier applied to the term “equal opportunity” such as (M/F/D/V) is not consistent with equal opportunity:

... equal rights, fair play, justice, are all like the air: we all have it, or none of us has it. —Maya Angelou

The next paragraph in this job advertisement notably fails to promise that NRAO employees are treated during employment “without regard to their race, color, religion, sex, or national origin.” Instead it repeats the “NRAO Diversity & Inclusion Statement” (Figure 19), which is long on lovely but meaningless phrases like “work place culture that accepts and appreciates all individuals regardless of race, gender, . . .” as well as “diversity” shibboleths dog-whistling that “diverse” staff members are preferred; it is short on actual promises of equal opportunity for all:

The NRAO strongly believes that a diverse staff is critical to our mission in enabling world-class science with cutting edge radio facilities for the scientific community, to train the next generation of scientists and engineers and to foster a scientific literate society. We are committed to a diverse and inclusive work place culture that accepts and appreciates all individuals regardless of race, gender, age, ethnicity, ability, sexual orientation, socioeconomic status, religious affiliation, or national origin and culture.

People belonging to groups that are favored by diversity programs often fail to realize that people suffering discrimination in the name of diversity and inclusion do *not* feel ap-

¹²The federally recognized minority groups are African-American, Native American, Hispanic/Latino, and Pacific Islander.

preciated. If the NRAO were not discriminating on the basis of sex or race, it could replace its “diversity and inclusion” statement with a real equal-opportunity statement like this one that the Los Alamos National Laboratory (LANL) prominently posts on its job application page¹³ for all to see:

Los Alamos National Laboratory is an equal opportunity employer and supports a diverse and inclusive workforce. All employment practices are based on qualification and merit, without regards to race, color, national origin, ancestry, religion, age, sex, gender identity, sexual orientation or preference, marital status or spousal affiliation, physical or mental disability, medical conditions, pregnancy, status as a protected veteran, genetic information, or citizenship within the limits imposed by federal laws and regulations.

When will the NRAO be able to honestly post an equal-opportunity statement like this one? Does HR really believe that Jewish, Asian, and non-Hispanic white men cannot see the difference between the NRAO and LANL equal-opportunity statements and weigh it when deciding where to apply for jobs?

Another illegal way to discriminate is by “targeted” recruiting. The EEOC¹⁴ states that under Title VII of the Civil Rights Act of 1964,

Potentially unlawful practices include: (1) soliciting applications only from sources in which all or most potential workers are of the same race or color.

Nonetheless, Section 3.1.2.4 of the February 2009 “Associated Universities, Inc. Action Plan for Broadening Participation” (which is still posted for the world to see at <https://www.nrao.edu/policy/diversityactionplan.pdf>) boasts of targeting “accomplishments” like these:

Diversity Recruitment:
NRAO participates annually in the following diversity targeted conferences and job fairs:
Black Engineer of the Year Awards

¹³<https://lanl.gov/careers/career-options/jobs/index.php>

¹⁴<https://www.eeoc.gov/eeoc/publications/fs-race.cfm>

*National Society of Black Engineers
Society of Women Engineers*

*Diversity Outreach — Howard University:
Initiated contact with Dr. Marcus Alfred, Associate Professor of Physics at Howard
University, to explore opportunities to work together in support of the sciences at
Howard University.*

*Actively recruiting Howard students for NRAO’s Summer Student programs
and co-op positions.
Annually placing one or two Howard undergraduates at NRAO in REU-type po-
sitions.*

Unaware of the irony, Section 4.6.2 of that “AUI Action Plan for Broadening Participation” lists as a long-term goal:

*Build a successful relationship with Howard University and use this model to
develop new relationships with other diverse universities.*

Known to all but never acknowledged in AUI/NRAO documents is that Howard University is one of the *least* diverse universities in America, with a student population 90.3% “Black or African American” and only 1.8% “White.”¹⁵ AUI/NRAO targeted Howard for recruiting precisely *because* it is a source “in which all or most potential workers are of the same race or color.”

To appreciate the extent of the NRAO’s targeted hiring today, read the “2017 Diversity Strategic Plan” posted on the ODI website¹⁶.

10. “...and selection for training, including apprenticeship”

*The Contractor will take affirmative action to ensure that applicants are em-
ployed, and that employees are treated during employment, without regard to
their race, color, religion, sex, or national origin. Such action shall include,*

¹⁵<https://www.collegefactual.com/colleges/howard-university/student-life/diversity/chart-ethnic-diversity.html>

¹⁶<https://info.nrao.edu/do/odi/2017DivDoc/view>

but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. (Figure 3)

The NRAO Diversity Initiative for Co-ops and Internships¹⁷ (shaded section in Figure 25) announces the Observatory has created the “diversity Cooperative Education and Internship funding initiative” *exclusively* for [racial] minority or female students:

Applications are accepted for any available co-op position based on the ability to meet the curriculum, GPA, grade level and co-op cycle requirements. Self-identification as a minority or female student is required to be considered as a diversity initiative candidate.

Requiring “self-identification as a minority or female student” is a glaring example of absolute discrimination by race and sex committed in the name of “diversity and inclusion.”

Likewise, the NRAO presents the four classes of its Summer Student Research Assistantships¹⁸ (Figure 26). Three of the four are inclusive, open to all students eligible to work in the United States without regard to sex or race, but the NAC (National Astronomy Consortium) program shamelessly exposes itself as an exclusive program open to women and underrepresented minorities only:

The NAC program is intended to increase the number of women and underrepresented minority students entering, and remaining in, STEM areas that support the field of astronomy (e.g., science, engineering, computing, EPO, and more), by providing research experience and long-term mentoring and cohort support. Summer research experiences range from 8-12 weeks, and can take place at one of the NAC partner sites. For more information, see go.nrao.edu/nac.

For those who did not hear the dog whistle, the NAC web page¹⁹ helpfully spells out in apartheid-level detail²⁰ which identity groups are eligible for from NRAO’s NAC program:

¹⁷<https://www.nrao.edu/policy/coopdiversity.shtml>

¹⁸<https://science.nrao.edu/opportunities/student-programs/summerstudents>

¹⁹<https://science.nrao.edu/opportunities/student-programs/nac/goals>

²⁰Apartheid laws divided individuals into one of four groups: native, coloured, Asian, or white.

We define under-represented groups to mean all of the following, but not limited to, people of color, women, sexual orientation and gender identity minorities, economically disadvantaged and first-generation college students.

Percentages always add up to 100. Any program intended to increase the percentage of women and favored minorities mathematically implies it is intended to decrease the percentage of ineligible minority (e.g., Asian) and white men. NAC recruitment is the antithesis of “The Observatory will monitor and review the application/recruitment process to ensure that all applicants are treated fairly, without regard to their race, color, religion, sex, age, disability, gender identity, gender expression, sexual orientation, marital status, national origin or any other characteristic protected by law.”

The non-inclusive encouragement at the bottom of Figure 26 appears to apply to *all* NRAO Summer Student Research Assistantships:

We strongly encourage applications from members of underrepresented groups in STEM.

How would it sound if the NRAO revised this statement to

We strongly encourage applications from Asian and non-Hispanic white men.

in an effort to undo the effects of its past (and continuing) discriminatory hiring policies?

NINE (National and International Exchange) is another program of the NRAO Office of Diversity & Inclusion which discriminates by race and sex. Its public web page²¹ (Figure 27 gives the NINE mission statement:

The NRAO NINE program has a vested interest in building a pipeline of talent within the radio astronomy field, and within under-represented communities. The anticipated outcome of this program will be worldwide partnerships with fast growing radio astronomy communities designed to facilitate the exchange of NINE trainers and the co-mentoring of under-represented groups of learners.

NINE provides “learning opportunities in radio astronomy for the underrepresented” and defines “under-represented groups to mean all of the following but not limited to people of

²¹go.nrao.edu/nine

color, women, economically disadvantaged and first-generation college students.” It is open to a white man only if he is economically disadvantaged or a first-generation college student, but it is open to all people of color and women, even those who are rich and whose parents went to college. Therefore it discriminates by race and sex.

11. “employees are treated during employment, without regard to their race”

The NRAO uses its Performance Evaluation Process (PEP) to determine employee pay and promotions. It rewards employees for their support of discriminatory NRAO “Diversity” policies. The PEP “Broader Impact Goal Setting Reference Sheet 2010 – 2011” (Figure 28) includes the following ways for employees to get ahead:

1. Provide recommendations for submission of job advertisements in diverse recruiting sources.
2. Ensure that a diversity topic/discussion is included on the agenda for regularly scheduled meetings.
3. Support supplier diversity.
4. Assist with writing proposals for telescope time for underrepresented graduate students enrolled in NRAO student programs.
5. Promote and invite diverse colloquium speakers.
6. Participate/assist with diversity outreach by volunteering to visit schools, universities, etc with a targeted focus on underrepresented populations.
7. Supervise research of underrepresented undergraduate and graduate students.
8. Report incidents that are inconsistent with the Non-Discrimination and Harassment Policy.

Item 1 rewards race-based targeted recruiting.

Item 2 promotes inserting “diversity” and group-identity politics into all otherwise productive meetings (e.g., a GBT laser metrology advisory group meeting to discuss thermal distortions of the GBT surface). This interference has gotten worse over time. In 2017 I volunteered to serve on the SOC (Science Organizing Committee) of the NRAO symposium celebrating the life and science of former director Fred Lo. Most SOC efforts to invite the best experts

in Fred’s fields of interest, or who knew and worked with Fred, resulted in an “overrepresentation” of Chinese and white males, so our meetings were constantly interrupted by admonitions to “remember diversity” followed by attempts to replace those experts with less-qualified or less-relevant females and minorities. By the end, I swore off ever serving on another NRAO SOC.

Item 3 supports race- and sex-based procurement set-asides.

Items 4, 5, 6, and 7 reward race and sex discrimination and present conflicts of interest to NRAO employees. Why should an ambitious employee invite a non-diverse colloquium speaker or supervise a non-diverse graduate student when inviting a diverse colloquium speaker or supervising a diverse graduate student can result in a bigger pay raise or promotion? As a teaching professor and a thesis research supervisor, I consider it my personal responsibility to treat all of my students equally, without regard to race, sex, or any other measure of their “diversity.”

Item 8 happens to be the goal of this memo; I shall see how it is rewarded in next year’s PEP.

Apparently participation in some “diversity and inclusion” programs not listed above also gains PEP credit. The 2019 February 14 email to all employees from Director of Diversity and Inclusion Lyndele von Schill (Figure 29) states “If you enrolled in Diversity & Inclusion courses for your PEP, please try to finish those courses before that date, and print the course completion certificate for your files.” This has a disparate impact on any employee who feels morally obliged not to enroll in NRAO’s Diversity & Inclusion courses or programs because so many discriminate by race or sex (e.g., the NAC and NINE programs advertised at the bottom of Figure 29).

The NRAO employee benefits web page²² states that “AUI/NRAO are committed to offering a comprehensive employee benefits program.” A significant benefit is the AUI Trustee Scholarship (Figure 30), an “Annual scholarship program for high school seniors of AUI and NRAO employees” that pays each winner \$3,500 per year for up to four years of college.

Six scholarships were awarded in 2018. Four were awarded competitively but only “African American, Hispanic, or Native American” students were eligible for the other two; students of other races (primarily Asian and non-Hispanic white students) were excluded. On what grounds can it still be considered moral to discriminate against children because of the color of their skin?

²²<https://info.nrao.edu/hr/benefits>

Racial discrimination in employee benefits violates the AUI/NRAO promise made in Figures 1, 2, 3, and 4:

The Observatory will take affirmative action to ensure that applicants are employed, and that all employees are treated during employment, without regard to their race, color, religion, sex, age, disability, marital status, citizenship, or any other characteristic protected by law.

2021 Sep 22 update: The AUI scholarship policy was recently updated to eliminate the open racial and ethnic discrimination described above, by eliminating the merit requirement. Previously a limited number of scholarships were awarded on the basis of merit, but the new policy gives small subsidies to essentially all students who might reasonably apply for college. (see <https://info.nrao.edu/staff/announcements/news/2020/2021-aui-scholarship-cycle-now-open>):

The application does not require an essay, letters of recommendation, or extracurricular activities. However, we encourage applicants to disclose if applicable. All dependents are eligible if they meet the minimum GPA requirement of 2.5 and complete the application in its entirety. We encourage all eligible dependents to apply.

12. Open Skies

The NRAO was long admired for its “open skies” policy of granting telescope time purely on the basis of proposal scientific and technical merit as judged by peer review, regardless of institutional or national affiliation. Even today the NRAO’s public web page²³ boasts (Figure 31):

Founded in 1956, the NRAO provides state-of-the-art radio telescope facilities for use by the international scientific community. NRAO telescopes are open to all astronomers regardless of institutional or national affiliation. Observing time on NRAO telescopes is available on a competitive basis to qualified scientists after evaluation of research proposals on the basis of scientific merit, the capability of the instruments to do the work, and the availability of the telescope during the requested time.

²³<https://public.nrao.edu/>

This statement leaves the distinct impression that the NRAO grants observing time on the basis of scientific merit and technical feasibility alone because “NRAO telescopes are open to all astronomers regardless of institutional or national affiliation.”

Only by digging deeper can the reader find in the 2009 “Associated Universities, Inc. Action Plan for Broadening Participation”²⁴ Section 4.11.2 inserting racial and ethnic targeting and preferences:

To increase participation from underrepresented groups NRAO will advertise more widely, targeting Historically Black Colleges and Universities and Hispanic Colleges and Universities.

So much for “regardless of institutional affiliation.”

NRAO will offer a staff collaborator to these groups so that they can draw on their experience and expertise to write more competitive proposals for the peer-review process, so that they can more effectively compete in the future.

The NRAO Director will allocate a block of discretionary telescope time for worthwhile observing programs from underrepresented groups that were proposed and reviewed through the normal process, but did not make the time allocation cutoff.

So much for “all astronomers,” many of whom are not members of federally recognized minority groups.

Advertising more widely, offering proposal-writing tutorials, and allocating a block of director’s discretionary time to novice proposers are legitimate *only if* they do not discriminate by race (black only) or ethnicity (Hispanic only). This NRAO program does discriminate by race and ethnicity, and it contradicts the public version of the NRAO’s “open skies” policy. How many astronomers will continue to believe in the NRAO’s “open skies” policy after learning this, which they could do simply by browsing *public* NRAO web pages?

13. Conflicting AUI/NRAO Non-discrimination Policies After 2010

At least through 2010, the NRAO continued to post a single clear non-discrimination statement (Figure 4) in NRAO buildings:

²⁴<https://www.nrao.edu/policy/diversityactionplan.pdf>

The Observatory will take affirmative action to ensure that applicants are employed, and that all employees are treated during employment, without regard to their race, color, religion, sex, age, disability, marital status, citizenship, or any other characteristic protected by law. Further, the Observatory will take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals, qualified disabled veterans, and veterans of the Vietnam Era without discrimination based on their disability or veteran's status in all employment practices. The Observatory will select the best qualified candidate to perform the duties of an available position and will give first consideration to present employees whenever practical.

No longer. AUI/NRAO discrimination is now so pervasive that the single posted policy had to be replaced by the much weaker and more ambiguous 2016–2018 version (Figure 14) which allows HR to discriminate in hiring and employment after the initial recruitment and application process (Figure 16). (Actually, Section 9 shows that even the recruitment and application process is discriminatory because it is targeted and not inclusive.)

Further muddying the water are changing, incomplete, and inconsistent non-discrimination promises made to the public and to employees. For example, a promise of equal opportunity for all appears in the 2013 Supervisor's Manual (Figure 7), although the earlier promise that the Observatory will take “affirmative action” to prevent discrimination was dropped:

It is the policy of the Observatory to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, age, disability, marital status, citizenship, or any other characteristic protected by law. The Observatory prohibits any such discrimination or harassment.

The 2018 NRAO Office of Diversity and Inclusion (ODI) web page contains the EEO Statement promising the Observatory will provide equal opportunity for all applicants whose characteristics are protected by law (Figure 19):

The Observatory will monitor and review the application/recruitment process to ensure that all applicants are treated fairly, without regard to their race, color, religion, sex, age, disability, gender identity, gender expression, sexual orientation, marital status, national origin or any other characteristic protected by law. There will be no discrimination against any employee or applicant for employment because of mental or physical disability. Further, the Observatory will

take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals, qualified disabled veterans, and veterans of the Vietnam Era without discrimination based on their disability or veteran's status in all employment practices. The Observatory will select the best qualified candidate to perform the duties of an available position and will give first consideration to present employees whenever practical.

This ODI non-discrimination statement covers the application and recruitment process but not the hiring process or subsequent employment. The promise that the Observatory will take affirmative action to ensure nondiscrimination is now limited to handicapped individuals and certain veterans; it no longer applies to everybody.

Finally, the current on-line Human Resources (HR)Policy Manual²⁵ contains the broader promise not to discriminate in recruiting, hiring, assignments, and promotions:

It is the policy of NRAO to recruit, hire, assign, and promote employees on the basis of their qualifications and without regard to race, color, religion, gender, age, disability, marital status, citizenship, gender identity, gender expression or sexual orientation, or any other characteristic protected by law.

The material in this memo shows that the NRAO has not honored that policy for several decades. One result of multiple inconsistent and misleading AUI/NRAO policies is employee confusion, as illustrated in Section 14.

14. NRAO Employees Must Certify They Understand and Will Comply With Inconsistent and Discriminatory AUI/NRAO Policies

On 2018 May 23, HR sent an email to all NRAO employees requiring them to complete an online “Code of Conduct” training module and stating that “completion of this training is mandatory” by June 30. However, the mandatory Code of Conduct online training module was not just a training module: Slide 83 (Figure 32) required every employee to state “By recording my acceptance below, I, [employee’s name], acknowledge that [1] I have received training regarding the Observatory’s Code of Conduct Policy and I certify that I have [2] read, [3] understood and will comply with the policy” defined only by links to the HR Policy

²⁵<https://info.nrao.edu/hr/hr/policy/>

Manual Section 2²⁶ (49 pages) and to the NRAO Workplace Conduct Page²⁷, which includes links to an unbounded set of other multiply-linked pages.

The three parts of this mandatory certification statement are inseparable in the online program. Employees must certify that they [1] have received training and [2] have read the policy, but they cannot complete the required module without also certifying that they [3] understand and will comply with the policy. Nearly all employees complied, under threat of termination.

I could not certify that I understand NRAO’s inconsistent HR policies any more than I could certify that I understand $2 + 2 = 5$, and I could not certify that I will comply with the parts containing discriminatory NRAO policies, so I refused and said so in a 2018 June 21 email to the Director of Diversity and Inclusion, Lyndele von Schill, (Figures 33, 34, and 35). Following some discussions Tony Beasley and I agreed that I would explain my position in what has become this memo.

15. Suggestions for Ending AUI/NRAO Institutional Discrimination

1. AUI and NRAO administrators and managers should consciously recognize that their “diversity” programs have violated almost all of the “gold standard” NSF requirements for nondiscrimination (Figure 3):

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this “Equal Opportunity” clause.

²⁶<https://info.nrao.edu/hr/policy/manual/HR.PolicySection2.pdf>

²⁷<https://info.nrao.edu/hr/hr/workplace-conduct/workplace-conduct>

The Contractor will, in all solicitations or advertisements for employees placed on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

AUI/NRAO administrators and managers should recognize their duty and take affirmative action to end discrimination as defined above, and restore the civil rights of employees and applicants in the “overrepresented” groups. This starts with the AUI Board of Trustees at the very top. The AUI Board of Trustees perpetuates itself by recruiting new Trustees. Instead of recruiting “without regard to race, color, religion, sex, . . .,” for more than a decade it explicitly factored in sex and race to discriminate in favor of women and blacks, as described in Section 3.1.1.1 of the February 2009 Associated Universities, Inc. Action Plan for Broadening Participation still publicly posted on the web²⁸:

At the corporate level, AUI has expanded on the diversity of its governance structure. Whereas maintaining and or increasing the number of women on the Board of Trustees has been a priority for some time, AUI also now considers the presence of underrepresented minorities as a factor in recruiting new Trustees. The AUI Board’s Nominating Committee explicitly considers this criterion, along with diversity of discipline, relevance to our current and anticipated missions, and overall excellence, as factors in recommending candidates for new Trustees when vacancies on the Board arise. The last two additions to our Board of Trustees include a woman astronomer, and a minority computational scientist. Of the 22 elected Trustees, three (15%) are women; one is a minority.

The AUI President and the NRAO Director are selected by and serve at the pleasure of the AUI Board of Trustees, so stopping discrimination at the AUI Board level is a necessary first step toward stopping institutional discrimination by race and sex at the NRAO.

2. NRAO job applicants, employees, and telescope users have the right to know if they were or are being treated differently on the basis of race, color, ethnicity, or sex. The NRAO should be more open and replace its multiple confusing, obfuscating, incomplete, contradictory, and hidden policies that facilitate discrimination in the name of “diversity” by a single short, clear, and widely posted nondiscrimination policy such as the NSF policy above. Likewise for AUI, whose Board of Trustees uses sex and race discrimination to perpetuate itself (see the quotation above from the February 2009 Associated Universities,

²⁸<https://www.nrao.edu/policy/diversityactionplan.pdf>

Inc. Action Plan for Broadening Participation), but somehow manages to claim in Section 2.1 of the same document that

In its commitment to provide equal opportunity for its staff, AUI does not discriminate on the basis of gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity or expression, veteran status or other legally protected characteristics.

The right to know also applies to all past AUI/NRAO discrimination as well, include types of discrimination that have been discontinued. AUI/NRAO should post in conspicuous places a report showing when and how it had discriminated — a report like this memo but including the more complete knowledge of the entire organization, not just one employee.

3. It is taboo for Asian and non-Hispanic white men at the NRAO to complain about being discriminated against. It is also taboo for minorities or women to criticize AUI/NRAO diversity policies, lest they be labeled traitors to their race or sex. The NRAO should take affirmative action to declare itself a workplace in which any employee can make a sincere complaint about any type of discrimination without fear of retaliation by AUI/NRAO management or, more importantly, fear of being smeared, shamed, ostracized, or bullied in any way by NRAO employees, users, or their university colleagues. Until then, the NRAO will not be able to appreciate the full extent of its discrimination problem.

Today nearly all white employees are (rightly) afraid to speak up about racial discrimination lest they be labeled racists, nearly all male employees are (rightly) afraid to speak up about sex discrimination lest they be labeled sexists, and even NRAO women are afraid to say “no” to the unfair demands of diversity programs designed to discriminate in their favor. In addition to problems caused by race and sex discrimination, a number of employees have created hostile environment to viewpoint diversity at the NRAO by casually disparaging fundamentalist Christians, conservative politicians, and other culturally or politically incorrect “deplorables.” This memo reports examples of AUI/NRAO race and sex discrimination observed by only one agnostic, apolitical, and tenured scientist who is finally willing to say “The emperor has no clothes” to resist continuing discrimination at AUI and NRAO. A few other NRAO employees have told me about their experiences on condition of strict anonymity. The NRAO has hundreds of silent employees with their own observations and experiences of AUI/NRAO discrimination. They all deserve to be heard respectfully.

Just as AUI/NRAO would not tolerate homophobic behavior by its employees, it should be made clear that AUI/NRAO will not tolerate employee retaliation against those who speak out against any type of AUI/NRAO discrimination. That policy needs to be strong enough

that employees who speak out do not become so “radioactive” that others become afraid to associate with them, lest they also become radioactive.

4. AUI/NRAO should stop making applicants for employment and employees support “diversity” programs that discriminate, either as a job requirement

*Management must be champions of diversity (job requirement).*²⁹

or as a condition for advancement (see Section 11). A good example is the “Leadership Profile” for the AUI President search in 2017. It lists ten “diversity” responsibilities, but no responsibilities related to “discrimination,” “equal opportunity,” “taking affirmative action,” “without regard to,” etc. Instead, top administrators should be champions of civil rights, equal opportunity, and nondiscrimination for all, and they should take affirmative action to ensure that AUI/NRAO “diversity” programs stop discriminating against *any* employee or applicant for employment because of race, color, religion, sex, national origin, or any other protected characteristic.

²⁹<https://info.nrao.edu/do/odi/diversity-strategic-plan/view>

16. Appendix: Supporting Figures

ARTICLE XXI - NON-DISCRIMINATION IN EMPLOYMENT

IN CONNECTION WITH THE PERFORMANCE OF WORK UNDER THIS CONTRACT, THE CONTRACTOR AGREES NOT TO DISCRIMINATE AGAINST ANY EMPLOYEE OR APPLICANT FOR EMPLOYMENT BECAUSE OF RACE, RELIGION, COLOR, OR NATIONAL ORIGIN. THE AFORESAID PROVISION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: EMPLOYMENT, UPGRADING, DEMOTION, OR TRANSFER; RECRUITMENT OR RECRUITMENT ADVERTISING; LAYOFF OR TERMINATION; RATES OF PAY OR OTHER FORMS OF COMPENSATION; AND SELECTION FOR TRAINING, INCLUDING APPRENTICESHIP. THE CONTRACTOR AGREES TO POST HEREAFTER IN CONSPICUOUS PLACES, AVAILABLE FOR EMPLOYEES AND APPLICANTS FOR EMPLOYMENT, NOTICES TO BE PROVIDED BY THE FOUNDATION SETTING FORTH THE PROVISIONS OF THE NON-DISCRIMINATION CLAUSE. THE CONTRACTOR FURTHER AGREES TO INSERT THE

Fig. 1.— The non-discrimination clause in the 1956 November 17 NSF/AUI contract that created the NRAO

Delete Article 19, Nondiscrimination in Employment, in its entirety and substitute the following:

ARTICLE 19 - NONDISCRIMINATION IN EMPLOYMENT

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Article.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Foundation's Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under this Article, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

Fig. 2.— Amendment No. 18 to the non-discrimination Article 19 in the 1963 September 20 NSF/AUI contract NSF-C50

CONFORMED COPY

CLAUSE 21 - EQUAL OPPORTUNITY

During the performance of this contract, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this "Equal Opportunity" clause.

2. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

3. The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this "Equal Opportunity" clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

Fig. 3.— The "Equal Opportunity" Clause in NSF/AUI Contract C780 (1974-78)



National Radio Astronomy Observatory

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January 1, 2010

**Equal Employment Opportunity
Non-Discrimination and Harassment Statement**

The National Radio Astronomy Observatory is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including sexual harassment.

The Observatory will take affirmative action to ensure that applicants are employed, and that all employees are treated during employment, without regard to their race, color, religion, sex, age, disability, marital status, citizenship, or any other characteristic protected by law. Further, the Observatory will take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals, qualified disabled veterans, and veterans of the Vietnam Era without discrimination based on their disability or veteran's status in all employment practices. The Observatory will select the best qualified candidate to perform the duties of an available position and will give first consideration to present employees whenever practical.

The Observatory has developed a policy statement, training, and communications for the conveyance of its policies on affirmative action, non-discrimination, and harassment. Besides this posting, your Employee Handbook will provide general guidance on these matters. The complete policies are contained in the "Supervisors Manual," Sections 1 and 21; and are available for review in each of the Observatory libraries. Copies of the policies are available from the Observatory Human Resources Offices, your supervisor, or any Ombuds representative.

The Observatory encourages the reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should pursue their concerns through NRAO's formal or informal complaint procedures: with their immediate supervisor, any member of management, the Human Resources Manager, or any Ombuds representative.

Please contact James Firmani, Human Resources Manager, at (434) 296-0205 or jfirmani@nrao.edu with any questions or concerns related to this policy.

A handwritten signature in black ink that reads "Fred K.Y. Lo".

K.Y. Lo, Director

Fig. 4.— The NRAO continued to post the NSF “Equal Employment Opportunity” statement promising to treat applicants and employees “without regard to their race, color, religion, sex, . . .” until at least 2010.

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The Visiting Professorships for Women Program: Lowering the Hurdles for Women in Science and Engineering. NSF Summary and Comments.

National Science Foundation, Arlington, VA. Directorate for Education and Human Resources.

The Visiting Professorship for Women (VPW) program was initiated by the National Science Foundation (NSF) in 1982 to address the under representation of women in science. This summary which draws on a study completed in 1993 considers the effects of the VPW program and the nature of the participants. Both strengths and limitations of the existing program are highlighted. The study employed both quantitative and qualitative methods, using surveys with closed- and open-ended items. Responses to the open-ended items were extensively analyzed through the "Ethnograph" computer program to yield a set of qualitative data for analysis. Short case studies were conducted with eight of the awardees to confirm the findings and add richness to the study. The study focused on the 233 women receiving VPW awards between 1982 and 1990. The findings address profiles of participants, career barriers and facilitators, experiences of participants, and program impacts. Using traditional indicators of academic promotion and generation of publications, the VPW awardees were found to be highly successful and there is compelling evidence to suggest that VPW made a significant contribution to the success of the awardees. (LZ)

Descriptors: [Career Development](#), [College Faculty](#), [Engineering Education](#), [Equal Education](#), [Females](#), [Higher Education](#), [National Programs](#), [Professional Development](#), [Program Effectiveness](#), [Program Evaluation](#), [Science Careers](#), [Science Education](#)

National Science Foundation, Division of Research, Evaluation, and Dissemination, Wilson Boulevard, Arlington, VA.

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Fig. 5.— Screen shot from the NSF web page summarizing women-only grants.

National Science Foundation [US] | https://www.nsf.gov/news/news_summ.jsp?cntn_id=102952

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News Release 98-085

NSF Awards Career Development Grants to Women

December 10, 1998

This material is available primarily for archival purposes. Telephone numbers or other contact information may be out of date; please see current contact information at [media contacts](#).

The National Science Foundation (NSF) has honored 206 outstanding women nationwide this year with \$13.7 million in awards through its Professional Opportunities for Women in Research and Education (POWRE) program.

These awards, one of NSF's investments in women scientists and engineers, promote the development of scholarly and institutional leaders in research and education in fields ranging from atomic physics to zoology.

NSF established POWRE in 1997 to help ensure the vitality, quality, distribution and effectiveness of the nation's human resource base in science and engineering, and to help overcome the under-representation of women in these fields. NSF's POWRE program supports efforts to facilitate the full participation of women in the science and engineering mainstream.

Awardees were selected from among 773 applicants. POWRE grants last between 12 and 18 months and range from \$13,000 to \$150,000 each.

"This year's grants exhibit a broad range of research and education projects," said POWRE program director Priscilla Nelson. This is especially true for fields in which women are underrepresented, she indicated.

By providing opportunities for career advancement, professional growth and increased stature of women in science and engineering, the POWRE program encourages women to pursue careers and achieve leadership positions in science and engineering. "At the same time, women scientists and engineers will obtain greater visibility and influence not only in academic institutions but in industry as well," said Nelson.

The POWRE program encompasses all areas of NSF-supported research and education in science and engineering and was developed to merge the previous targeted women's programs into one overall program. The programs incorporated into POWRE include the Career Advancement Award, Research Planning Grant, Faculty Award for Women, and Visiting Professorship for Women.

-NSF-

Editors: For a complete list of fiscal 1998 POWRE award recipients, including their institutions and their project descriptions, see: <http://www.nsf.gov/home/pubs/1999/nsf9939/nsf9939.htm>

The National Science Foundation (NSF) funds research and education in most fields of science and engineering. Grantees are wholly responsible for conducting their project activities and preparing the results for publication. Thus, the Foundation does not assume responsibility for such findings or their interpretation.

NSF welcomes proposals from all qualified scientists, engineers and educators. The Foundation strongly encourages women, minorities, and persons with disabilities to compete fully in its programs. In accordance with federal statutes, regulations, and NSF policies, no person on grounds of race, color, age, sex, national origin, or disability shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from NSF (unless otherwise specified in the eligibility requirements for a particular program).

Facilitation Awards for Scientists and Engineers with Disabilities (FASSED) provide funding for special assistance or equipment to enable persons with disabilities (investigators and other staff, including student research assistants) to work on NSF-supported projects. See the program announcement or contact the program coordinator at (703) 306-1636.

The National Science Foundation has Telephonic Device for the Deaf (TDD) and Federal Information Relay Service (FIRS) capabilities that enable individuals with hearing impairments to communicate with the Foundation regarding NSF programs, employment, or general information. TDD may be accessed at (703) 306-0090 or through FIRS on 1-800-877-8339.

Catalog of Federal Domestic Assistance Numbers: 47.041 ENG, 47.049, MPS, 47.050 GEO, 47.070 CISE, 47.074 BIO, 47.075 SBE, 47.076 EHR, and 47.078 OPP.

OMB No. 3145-0058
P.T. 22, 34; FF
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1013000, 1014000, 0505000, 0600000, 1011000, 0120000, 1016000

NSF 99-39 Electronic Dissemination Only

Fig. 6.— Screen shots from the NSF web pages summarizing its women-only grants programs up to 1999. Note the shaded region stating that the NSF does not discriminate by sex “unless otherwise specified in the eligibility requirements for a particular program.”

The Observatory will select the best qualified candidate to perform the duties of an available position and will give first consideration to current full-time employees whenever practical. The Observatory will not discriminate against any employee or applicant because of race, creed, color, age, sex, national origin, mental or physical disability, or veteran status.

Further the Observatory will take affirmative action to ensure that all employment decisions are based purely on the qualifications of each applicant and employee, without regard to race, creed, color, age, sex, national origin, mental or physical disability, or veteran status.

Fig. 7.— In 2004 the NRAO Employee Handbook still promised that the Observatory would hire purely on individual qualifications and not discriminate on the basis of race or sex, and further that the Observatory would take affirmative action to back up that promise.

3.1.1.3 AUI Support for NRAO Diversity Recruitment and Staff Development

The AUI Board of Trustees recognizes the importance of achieving a more diverse workforce at NRAO and strongly endorses and supports the diversity initiatives undertaken by NRAO. In June 2007, the Board of Trustees passed a resolution to support NRAO diversity recruitment and staff development initiatives with Corporate funds to share in the costs associated with new hires at NRAO who explicitly meet one or both of the following criteria:

- *Improve NRAO's staff diversity*
- *Maintain a staff with the technical skills necessary to retain NRAO's leadership position in radio astronomy science.*

For 2008 and 2009, the AUI Board of Trustees approved using Corporate funds to help recruit a senior African-American astronomer, who now holds a joint tenured faculty appointment at NRAO and the University of Virginia.

3.1.1.4 AUI Scholarship Program

Further affirming its commitment to education and diversity, and to providing a supportive environment for its workforce, the AUI Board of Trustees established a Scholarship Program for children of AUI and NRAO employees. Each year, three scholarships are awarded to children of regular employees of the National Radio Astronomy Observatory. The scholarships are awarded competitively and are renewable for up to four years of study toward an academic degree. In addition, up to two additional scholarships are awarded to NRAO employees' children who are underrepresented minorities.

3.1.1.5 Other AUI Support for Diversity Initiatives

AUI also contributes financial support to the broader community for workshops and meetings that endorse diversity and the promotion of minorities. Recent examples of sponsorship activities are:

- AUI provided a donation to the “Committee on the Status of Minorities in Astronomy (CSMA)” to assist in covering the costs for a luncheon held at the January 2009 AAS meeting in Long Beach. This meeting provided a forum where attendees could discuss the important role that mentoring could play in increasing the numbers of astronomers with minority backgrounds and to provide an opportunity for members and potential members of the CSMA to meet the broader community.
- AUI contributed funds for the “Third IUPAP International Conference on Women in Physics”, which took place in Seoul, Korea in October 2008. The funding was used to support publication of the conference proceedings and travel for representatives from developing countries, especially in Latin America and Africa. There were nearly 300 participants from 57 countries. The travel for one-quarter of the participants, and participation by more than one-third of the countries, was made possible by donations.
- AUI has committed to help support the upcoming meeting “Women in Astronomy and Space Science: Meeting the challenges of an increasingly diverse scientific work place”,

Fig. 8.— Two of AUI's race-based hiring and benefits policies.

(j) Preferential treatment not to be granted on account of existing number or percentage imbalance

Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

Fig. 9.— Screen shot taken from the EEOC web page
<https://www.eeoc.gov/laws/statutes/titlevii.cfm> covering Section 703 (j) from Title VII of the 1964 Civil Rights Act

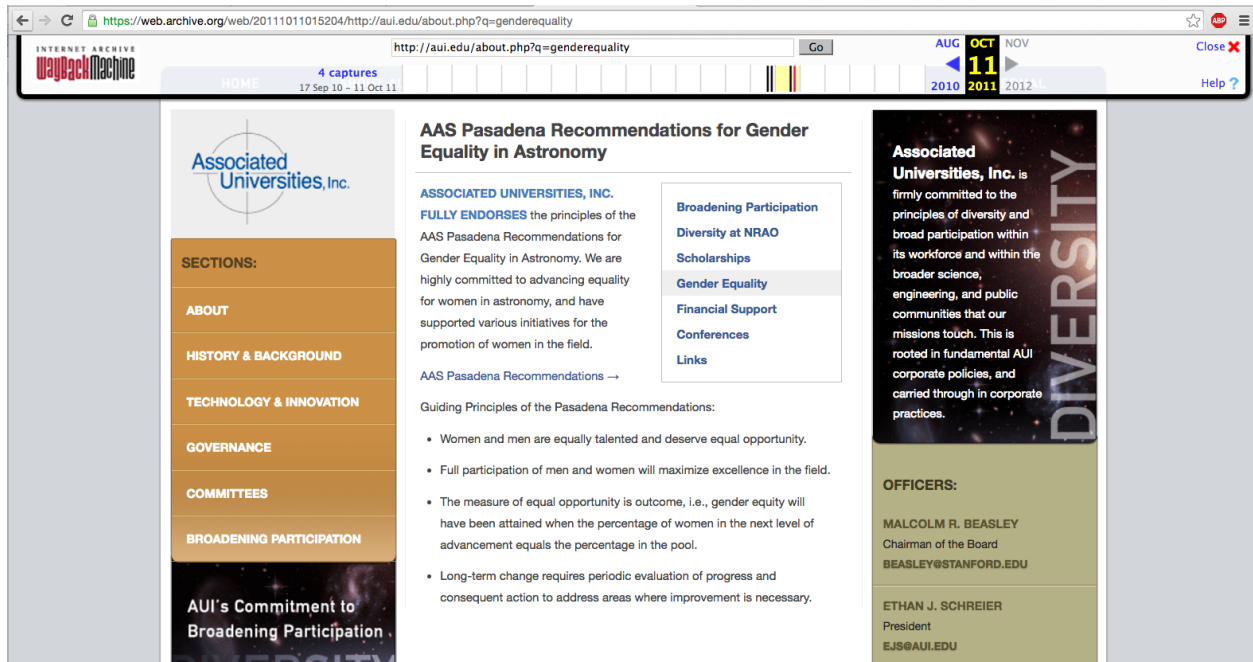


Fig. 10.— Wayback Machine screen shot of the AUI home page on 2011 October 11

The NRAO Visitor's Program for faculty is extremely flexible with regard to support (computers, salary, etc.), starting date, and visit duration, all of which are negotiated to match individual needs. This program supports several visitors each year. (<http://www.nrao.edu/astrores/visitors.shtml>)

The NRAO has recently established a collaboration with the West Virginia University Department of Physics, assisting with the creation of an astronomy program and a nationally competitive research program in radio astronomy. The NRAO also has active long-term collaborations with the University of Virginia and the New Mexico Institute of Mining and Technology. NRAO is in the process of establishing cooperative programs in radio and millimeter wave astronomy and technology with universities in Chile.

5.8 World Class Staff

NRAO currently employs or hosts 617 regular staff and visitors including Research Associates (junior through Post-Doc), Visiting Scientists, Summer Student/Teachers and part-time employees. This now includes staff employed by NRAO but working or conducting research on a full time basis in universities throughout the U.S. and at ALMA construction locations throughout Chile. Since 2001, the size of the staff has increased 19% from 519 to 617, primarily because of ALMA construction.

Since the creation of a formal NRAO Affirmative Action Plan in 2001, the Observatory has implemented recruitment and training efforts that emphasize a fully inclusive workforce. In 2003, the Observatory formed a Committee on Diversity that has adopted many of the principles of "The Pasadena Recommendations for Gender Equity in Astronomy." The role of this group is to assist the Observatory in identifying ways to reach more women and minorities in the science and engineering fields and, second, to provide ideas that will help the Observatory provide a work environment more conducive to recruiting and retaining women and underrepresented persons in the workplace. Following the advice of AUI's NRAO Visiting Committee, the Observatory is expanding the Committee on Diversity to include an external member.

The Pasadena Recommendations contain more than 30 recommendations for improving gender equity in astronomy. Initial NRAO efforts have focused on the "Tenure Track Hiring" recommendations, also applying these in hiring all senior management positions. All search committees for such positions contain one or two individuals specifically charged to advocate for candidates from underrepresented groups. Specific efforts are made to recruit viable women candidates, both by individual contacts and by advertising these positions in the AASWOMEN and WIPHYS electronic newsletters. Each search committee is made accountable by discussing, in its recommendation, the specific efforts that were made to recruit individuals from underrepresented groups. Finally, NRAO has adopted the policy that if two candidates for professional and management positions are deemed equal, within reasonable uncertainty, then a member of an underrepresented group is given priority.

Despite the remoteness of the Observatory locations, significant increases in hiring and promotion of women and minorities have been accomplished. Some notable results since the inception of our current cooperative agreement term include the appointment of a minority Director, a minority Associate Director, and a female Assistant Director. In 2004-2006, one of five new tenure track appointments was a woman, one of the three

AUI CORPORATE CONFIDENTIAL

9/26/2006

Fig. 11.— AUI document endorsing the Pasadena Recommendations in an NSF management Review

**Affirmative Action
for Minorities and Females
2004 Statement of Policy**

To further its goal of equal employment opportunity for all employees and prospective employees without regard to race, color, religion, sex, age, national origin, disability, or any other basis prohibited by applicable law, the Corporation states as its policy the following:

It will be the policy of the National Radio Astronomy Observatory, in accordance with all applicable laws, to recruit, hire, train, and promote persons in all job titles without regard to race, color, religion, sex, age, disability, or national origin, or any other basis prohibited by applicable law.

All employment decisions shall be consistent with the principle of equal employment opportunity, and only valid qualifications will be required.

All personnel actions, such as compensation, benefits, transfers, social and recreational programs, etc. will be administered without regard to race, color, religion, sex, age, disability, or national origin, or any other basis prohibited by applicable law.

To assure compliance with the plan, Robert D'Angio, Affirmative Action Officer, has been designated to administer and monitor the plan and make reports to Senior Management. The Plan is available for inspection in accordance with applicable regulations.

*Fred K. Y. Lo
Director
November 1, 2003*

Fig. 12.— The “Affirmative Action for Minorities and Females 2004 Statement of Policy” printed in NRAO’s employee newsletter *The Point Source*, vol. 9, issue 3, page 7.

Subject: Re: Tenure Track Selection Committee Business- Jan 23 2006 . final scores
From: Miller Goss <mgoss@aac.nrao.edu>
Date: Mon, 23 Jan 2006 11:22:10 -0700 (MST)
To: Miller Goss <mgoss@aac.nrao.edu>
CC: Kathy Young <kyoung@aac.nrao.edu>, dfrail@nrao.edu, jcondon@nrao.edu, Chris Carilli <ccarilli@aac.nrao.edu>, Scott Ransom <sransom@nrao.edu>, jvangork@astro.columbia.edu, page@pupgg.princeton.edu, Zhi-Yun Li <zl4h@virginia.edu>

NRAO Tenure Track Selection Committee . First meeting Jan 24, 2006.
Members, Lyman Page, Jacqueline Van Gorkom, Zhi-Yun Li, Dale Frail,
Chris Carilli , Scott Ransom, Jim Condon and M Goss.

The initial summary of grades: I use F=0,...A=3 with plus and minus 0.3 for the + and minus grades. The rough cutoff for top tier is 2.0 and above. The middle tier is 1.4 to 2 and below 1.4 is the bottom tier. In general we need not consider the individuals in the bottom tier. But we will start the meeting giving each member a chance to advocate moving someone from the bottom tier to the middle tier. Then we go through and discuss the top tier in detail, followed by the middle tier in a summary fashion - unless there is a strong advocate for this candidate in the middle tier.

The final goal is a list of about 4-5 individuals on the short list which will be sent to the NRAO Director with an explanation of the ranking. It is possible that these individuals will be invited to a NRAO site to give a colloquium and to be interviewed. In case of a tie the advantage goes to the minority candidate as in all NRAO selections.

Lyman has to leave for a colloquium at about 8:35 AM MST and thus we will give him a chance to discuss candidates in the cosmology areas that he thinks deserve attention.

Thanks again . As most of you know I leave as head of DSAA in the next month(s) and Dale is taking over.

Miller Goss
23 Jan 2006

Our meeting starts at 8 am MST on Tuesday 24 Jan. 2006. Kathy has sent out the call in numbers for Lyman and Jacqueline. And of course please check that I got your grades correctly entered.

Page 10
JVG
impersonal
his current work
in galaxy evolution
Garcia
Mont
B
ET
energized
Simulation of
cluster/galaxies
good collaborator
but JVG knows
him, was disappointed

Fig. 13.— This 2006 memo to the tenure-track hiring committee states that “In case of a tie the advantage goes to the minority candidate as in all NRAO selections.”



National Radio Astronomy Observatory

520 Edgemont Road
Charlottesville, VA 22903 USA
434.296.0211 | Fax 434.296.0278
www.nrao.edu

January 7, 2016

**Equal Employment Opportunity
Non-Discrimination, Harassment and Anti- Bullying Statement**

The National Radio Astronomy Observatory is committed to creating a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including sexual harassment and workplace bullying.

The Observatory will monitor and review the application/recruitment process to ensure that all applicants are treated fairly, without regard to their race, color, religion, sex, age, disability, gender identity, gender expression, sexual orientation, marital status, national origin or any other characteristic protected by law. There will be no discrimination against any employee or applicant for employment because of mental or physical disability. Further, the Observatory will take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals, qualified disabled veterans, and veterans of the Vietnam Era without discrimination based on their disability or veteran's status in all employment practices. The Observatory will select the best qualified candidate to perform the duties of an available position and will give first consideration to present employees whenever practical.

The Observatory has developed a policy statement, training, and communications for the conveyance of its policies on affirmative action, non-discrimination, workplace bullying and harassment. Besides this posting, general guidance on these matters can be found on the Observatory's intranet. The complete policies are contained in the "Human Resource Policy Manual," Sections 1.1 and 2.12; and are available online. Copies of the policies are available from the Observatory Human Resources Offices, your supervisor, or any Ombuds representative.

The Observatory encourages the reporting of all perceived incidents of discrimination, bullying, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should pursue their concerns through NRAO's formal or informal complaint procedures: with their immediate supervisor, any member of management, the Human Resources Manager, or any Ombuds representative. In line with best practices, we have strengthened our "Reporting Workplace Concerns" policy by establishing a web and telephone-based reporting tool (AUI Ethics & Integrity Line) supported by an expert, completely independent third party, which allows employees (and others, such as suppliers, visitors, students) to make entirely confidential reports, directly to the AUI President. AUI has partnered with EthicsPoint, a world-leader in these systems to manage and host this reporting tool. Reports entered in the system are completely confidential. The AUI Ethics & Integrity Line allows you to follow-up concerns and interacts completely anonymously with the system until the matter is resolved.

A handwritten signature in blue ink, appearing to read 'Anthony J. Beasley'.

Anthony J. Beasley, Director

Sign-off on new Policy

Help | 



JAMES J CONDON

Annual Policy Sign-off (FY 2016)
By ALLEN L LEWIS

Form Navigator



Annual Policy Acknowledgement

Employee Identification

Critical Policies

Acknowledgement

Comments

Save and Exit

Sign Off

Critical Policies

On an annual basis, we will be asking you to "familiarize" yourself with certain critical NRAO policies which may have been updated or are new. Beginning this year the acknowledgement is being deployed as a process through the NRAO's Performance Management tool. As part of the acknowledgement process, please access the NRAO HR Policy Acknowledgement area [HERE](#) or by clicking on the link in the email sent to all NRAO Staff. After your review, return to this screen to acknowledge by clicking sign-off as indication that you have reviewed the following policies:

- Equal Employment Opportunity Non-Discrimination, Harassment and Bullying Statement
- Affirmative Action Plan Veteran Non-Discrimination Statement
- Drug Free Workplace
- Code of Ethics and Standards of Conduct and Workplace Bullying
- AUI Intellectual Property Policy and AUI Employee Intellectual Property Agreement
- Computing Use

Acknowledgement

I have been informed of and provided internet access to review the NRAO policies noted above. I understand that these policies are presented as a matter of information only as the plans, policies and procedures described are not intended to create nor are they to be construed to create a contract of employment; that the Observatory, at its option, may change, delete, suspend or discontinue any part or parts of these policies or any NRAO policy at any time with or without prior notice, any such action applying to existing as well as future employees; and that employees may be notified of any such changes by memo, email, posting on bulletin boards, employee meetings, and/or updates to its department policy manual.

I understand that if I have any questions concerning these policies or wish further information on Observatory policies, regulations, or benefits I may ask my supervisor, other Observatory management personnel, or contact my Human Resources Representative.

Please click the "Sign Off" button in the upper right hand corner to complete your acknowledgement.

Comments

Overall Comments

Employee

I read the EEO non-discrimination statement, but I cannot say that I understand it and its relation to conflicting AUI/NRAO policies. J. J. Condon 2016 April 19



Fig. 15.— NRAO's 2016 mandatory policy signoff page.

Dear Faye:

I completed the mandatory review of NRAO critical policy statements and signed off as required. However, I cannot reconcile the NRAO's EEO non-discrimination statement:

"The Observatory will monitor and review the application/recruitment process to ensure that all applicants are treated fairly, without regard to their race, color, religion, sex, age, disability, gender identity, gender expression, sexual orientation, marital status, national origin or any other characteristic protected by law."

with this NRAO policy:

"If two candidates for professional and management positions are deemed equal, within reasonable uncertainty, then a member of an underrepresented group is given priority."

Do you consider this NRAO policy to be consistent with the NRAO's non-discrimination statement? If so, please explain.
Thank you.

Jim Condon

Fig. 16.— My 2016 April 19 email requesting clarification of NRAO's double-standard hiring policy from HR.

Hi Jim:

The two statements refer to two different stages of the application process. They are compatible. In the first step of the recruitment process, NRAO is committed to ensuring that applicants are treated fairly:

Fairness is making judgments that are free from discrimination. Once all applicants are considered fairly, the second policy comes into play. If two candidates are deemed essentially equal, then **–because NRAO is actively attempting to gain the benefits of a diverse workforce**, for demonstrable reasons– priority will be given to the member of the underrepresented group. While this is idea, there is no real evidence that this occurs at NRAO as our demographics have not changed significantly during my tenure here. It really is critical to continue to work on making sure that our workforce reflects the demographics of our communities. We are really trying to improve the demographics for those vacancies that don't require a PhD. Our census data informs us that there is available underrepresented talent in the surrounding counties/cities where our sites are located. Since we are paid from government funds, we have to report on our efforts to attract and hire underrepresented candidates. We are subjected to audits from the Department of Labor as well as from other federal agencies.

If you want to set up a time to discuss, let me know your availability.

Faye

Fig. 17.— The HR response to my 2016 April 19 email requesting clarification of NRAO's double-standard hiring policy.

PROFESSIONAL REFERENCES (OTHER THAN IMMEDIATE SUPERVISOR)

List three professional work references from employers listed on previous page, work history. These people must be familiar with your work history and personal character.			
Complete Name and Title			
Business Name		Email	
Business Address		Telephone	
Home Address		Telephone	

Complete Name and Title			
Business Name		Email	
Business Address		Telephone	
Home Address		Telephone	

Complete Name and Title			
Business Name		Email	
Business Address		Telephone	
Home Address		Telephone	

EMPLOYER'S STATEMENT

The NRAO is an equal opportunity employer. We adhere to a policy of making employment decisions without regard to race, color, religion, sex, sexual orientation, national origin, citizenship, age, disability, or veteran status. We assure you that your opportunity for employment with the NRAO depends solely on your qualifications.

APPLICANT'S STATEMENT

I understand that the NRAO follows an "employment at will" policy, meaning that I or the NRAO may terminate employment at any time for any reason consistent with applicable state or federal laws. This "employment at will" policy cannot be changed verbally or in writing unless the change is specifically authorized in writing by the Human Resource Manager of this organization. I understand that this application is not a contract of employment. I understand that federal law prohibits the employment of unauthorized aliens and that all persons hired must submit satisfactory proof of employment authorization and identity. Failure to submit such proof will result in denial of employment. I understand that my application will remain active only until the position for which I applied is filled. After that time, if I wish to be considered for employment, I must submit a new application for a specific NRAO vacancy. I understand that the NRAO will thoroughly investigate my work and personal history and verify all data given on this application, on related documents, and in interviews. I authorize all individuals, schools, and firms named herein, except my current employer if so noted, to provide any work-related information requested about me, and I release them from all liability for damage in providing this information. I certify that all the statements herein are true. I understand that any falsification or willful omission shall be sufficient cause for refusal of employment or dismissal. Your signature: _____ Date: _____ The National Radio Astronomy Observatory is a facility of the National Science Foundation operated under cooperative agreement by Associated Universities, Inc.

Fig. 18.— Page 5 of the NRAO Employment Application form dated 2013.

NRAO Diversity

by [admin](#) — last modified Jul 03, 2018 09:24 AM



NRAO Diversity & Inclusion Statement

The National Radio Astronomy Observatory (NRAO) strongly believes that a diverse staff is critical for our mission to enable world-class science with cutting edge radio facilities for the scientific community, to train the next generation of scientists and engineers, and to foster a scientifically literate society. We are committed to a diverse and inclusive work place culture that accepts and appreciates all individuals regardless of race, gender, gender identity/expression, age, ethnicity, ability, sexual orientation, socioeconomic status, religious affiliation, or national origin and culture.

This commitment to diversity and inclusion extends to all NRAO interactions with the broader community.

EEO Statement

The Observatory will monitor and review the application/recruitment process to ensure that all applicants are treated fairly, without regard to their race, color, religion, sex, age, disability, gender identity, gender expression, sexual orientation, marital status, national origin or any other characteristic protected by law. There will be no discrimination against any employee or applicant for employment because of mental or physical disability. Further, the Observatory will take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals, qualified disabled veterans, and veterans of the Vietnam Era without discrimination based on their disability or veteran's status in all employment practices. The Observatory will select the best qualified candidate to perform the duties of an available position and will give first consideration to present employees whenever practical.

Fig. 19.— 2018 July 10 screen shot of the EEO Statement on the NRAO Diversity web page

Dear NRAO Scientific Staff,

The NAASC will soon advertise for two new positions on the scientific staff, a tenure-track astronomer and a staff scientist, with one or more openings available for the latter position. We plan to form separate search committees for these openings. As opposed to the long-standing practice of the management team selecting the search committee, we would like to try a different approach of inviting volunteers from the scientific staff to participate. The objective here is to avoid any possible bias of candidate selection that might exist from the outset, and to engage the widest selection of views, some of which may have been overlooked in the past. We describe how to volunteer in the text below.

First, brief descriptions of the positions that will be recruited follow, as taken from draft job postings:

Astronomer (tenure track)

We are seeking a candidate with a demonstrated ability to further the strategic mission of ALMA and NRAO, and to develop the scientific and technical environment of the NAASC and NRAO. The candidate should have demonstrated excellence in research and research leadership, and have demonstrated the ability to provide vision and leadership for development of new ALMA and NRAO concepts, enhancements, and next-generation directions. The position entails 50% independent research and 50% functional responsibilities. The selected candidate will be a functional member of a NAASC division group with responsibilities that may include data reduction, community outreach including broadening participation initiatives, ALMA enhancements and development, and JAO support.

Staff Scientist (one or more positions available)

We are seeking staff scientist positions aimed at enabling scientific results by community members and/or to develop new science and observing capabilities for ALMA. This work may include data processing, helpdesk support, community outreach, and tool development and enhancement. The candidate will be a member of a NAASC division and with responsibilities that may include ALMA data calibration and imaging, preparation of ALMA proposals and scheduling blocks, participation in ALMA support activities such as community day events, and JAO support such as Astronomer on Duty and Extension of Capabilities. The selected candidates will be expected to spend up to 25% of their time on independently-directed research.

We would like to advertise these positions as soon as possible (this month), with a deadline by the end of the year. Recruitment will be in the winter and early spring, for a start date in the fall (academic year start).

The responsibilities of the search committee include, with the assistance of HR, reviewing the final job postings, developing an advertising and recruiting strategy, developing potential candidate lists and contacting candidates, evaluating applications, developing a short list for interviews, conducting interviews, and recommending a rank-ordered slate of candidates for selection. In all cases, the committees' recommendations are advisory to the NRAO Director and NAASC AD, who will be responsible for final decisions.

If you would like to serve on the search committee for one of these positions, please send an email to Faye Giles (fgiles@nrao.edu) that includes a paragraph describing your interest in participating, and which committee you wish to serve on (if you have a preference). The deadline for expressions of interest will be close of business, Wednesday, 15 October 2014. We will select the committee within a few days following this deadline and notify all the respondents. Additional members needed for the committees may be recruited in the traditional manner, and it is possible that external members may be invited.

We hope you will be interested in serving on one of these search committees and trying out this method of recruiting.

Thank You,

Phil Jewell
Faye Giles
Tim Bastian

Fig. 20.— Request for volunteers to serve on the 2014 NAASC tenure-track search committee

Hi Jim:

Thanks for your submission to be considered for serving on the search committee for recruitment of the Tenure Track vacancy. We will connect with everyone who has volunteered to participate next week.

Kind regards,
Faye

-----Original Message-----

From: Jim Condon [<mailto:jcondon@nrao.edu>]
Sent: Wednesday, October 15, 2014 1:07 PM
To: Faye Giles
Subject: search committee

Dear Faye:

I volunteer to serve on the tenure-track astronomer search committee.
The NRAO has hired very few tenure-track astronomers in the past decade, so our pool of young astronomers with any real opportunity for doing research is drying up. (I don't count our ALMA staff scientists as having a real opportunity for doing research because they are forced to spend too much time on observatory service.) Therefore it is important that we choose the best candidate whenever a rare hiring opportunity arises.

Jim

--

Jim Condon
NRAO
520 Edgemont Road
Charlottesville, VA 22903 USA
phone +1 434 296 0322
fax +1 434 296 0278

Fig. 21.— Response to request for volunteers to serve on the 2014 NAASC tenure-track search committee

On 10/23/14 9:39 AM, Faye Giles wrote:

Hi Jim:

Thank you for expressing an interest in serving on the NAASC Search Committee. You have been selected to serve on the Tenure Track Search Committee. A kick-off meeting is scheduled for Wednesday, October 29th at 3:00 p.m. EST in CV209. Below is a list of topics that we will be discussing at the kick-off meeting:

- Draft job description
- Committee charge
- Role and expectations for search committee membership
- A schedule for the mandatory unconscious bias training
- Diverse recruitment sources matrix

We appreciate your willingness to serve on the search committee and look forward to your participation.

Kind regards,

Phil
Tim
Faye

Faye Giles, SPHR
Human Resources Manager/Diversity Officer
National Radio Astronomy Observatory (NRAO)
[520 Edgemont Road](#)
Charlottesville, VA 22903
(434) 296-0265 Office
(434) 296-0202 Fax



Fig. 22.— Selection to serve on the 2014 NAASC tenure-track search committee

The lowest score for the question regarding men and women being treated equally goes to the statement ‘pressure to perform service work (e.g., hiring committee, panel reviews, and recreation association),’ a new question on the 2018 survey. 23% said they felt pressured into participating in service related opportunities.

Q6. Based upon your personal experience, do you believe that women are given equal consideration in the following areas?					
	Men and women are treated equally	Men are treated less favorably	Women are treated less favorably	Not sure/no opinion	Total responses
Opportunities to perform service work (e.g. hiring committees, panel reviews, recreation association)	76.04% (73 Respondents)	5.21% (5 Respondents)	5.21% (5 Respondents)	13.54% (13 Respondents)	96
Pressure to perform service work (e.g. hiring committees, panel reviews, recreation association)	45.26% (43 Respondents)	4.21% (4 Respondents)	23.16% (22 Respondents)	27.37% (22 Respondents)	95

Survey comments related to equal consideration in performing service work include:

“Women may sometimes face more pressure than men to perform service work in order to have gender-balanced committees. It is difficult to say no, even if it means over-committing.”

“As a woman at the observatory, I am asked to do significantly more service work than my male colleagues in order to satisfy diversity requirements. In addition, there is strong pressure to say “yes” to most of these commitments.”

“I am constantly asked to be on hiring committees and when I recommend a male counterpart, the hiring manager is not interested.”

Fig. 23.— AUI/NRAO/GBO Women’s Survey 2018 responses on service work.



AAS - Job Register

Search this site:

[AAS Home](#) [Renew Your Membership](#) [Member Directory](#) [Calendar](#) [Contact Us](#) [FAQ](#) [Journals Home](#)
[Donate](#)

[Job Register](#)

[Home](#)

[Job Register Main](#)
[Job Register Archives](#)

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[Create Job Poster Account!](#)

Search Job Register

Search this site:

Other JR Pages

- [Career Center](#)
- [How To Submit Job Ad](#)
- [Job Register Editorial](#)
- [Publication Policy](#)
- [Tips for Successful Recruitment](#)

Assistant or Associate Astronomer - JRID49977

Submitted by sarahlyons on Fri, 2014-11-14 15:19

Submission Dates

Post Date: December 1, 2014
Archive Date: January 31, 2015
Deadline to Apply for Job: February 1, 2015

Job Details

Job Category: Faculty Positions (tenure and tenure-track)
Institution/Company Name: National Radio Astronomy Observatory
Institution Classification/Type: Other

Submission Address for Resumes/CVs

Attention To: Sarah Lyons

Related URLs

Related URLs:
[NRAO Careers Page](#)
[NRAO Home Page](#)

Announcement

Job Announcement Text:
Position Summary

The National Radio Astronomy Observatory's mission is to enable forefront research into the Universe at radio wavelengths. In partnership with the scientific community we:

- provide world leading telescopes, instrumentation and expertise,
- train the next generation of scientists and engineers, and
- promote astronomy to foster a more scientifically literate society.

The National Radio Astronomy Observatory is recruiting for a tenure-track scientific staff position (Astronomer track) affiliated with the North American ALMA

Science Center (NAASC). The NAASC is the science operations division of North American ALMA. It provides support for the North American Community for their use of ALMA, and scientific support for the operations of the Joint ALMA Observatory (JAO) in Chile, in collaboration with the ALMA international partners.

ALMA is now entering a very exciting phase. Construction of the Observatory is

Fig. 24.— A recent NRAO job advertisement promising equal-opportunity employment for M/F/D/V applicants instead of “all qualified applicants” and dropping the “without regard to the race, color, religion, sex, or national origin” from the protections promised to NRAO employees.

NRAO Diversity Initiative for Co-ops and Internships

As a world leader in the field of radio astronomy the National Radio Astronomy Observatory (NRAO) recognizes that from diverse ideas come new horizons in science and life. To enhance the opportunities for minority and female students in the fields of Computing, software design and engineering the Observatory has created the diversity Cooperative Education and Internship funding initiative.

Applications are accepted for any available co-op position based on the ability to meet the curriculum, GPA, grade level and co-op cycle requirements. Self-identification as a minority or female student is required to be considered as a diversity initiative candidate.

Internships may be available to diversity initiative candidates if funding exists. This unique program allows for an undergraduate senior or recent graduate, within one year of graduation, to propose a field of research in engineering and computer science.

View the exciting NRAO experience of [Cooperative Education](#) and [Internship](#).

Staff	Contact Us	Careers	Directories	Site Map	Help	Policies	Diversity	Search
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National Science Foundation operated under cooperative
agreement by Associated Universities, Inc.

Fig. 25.— 2018 July 11 screen shot of the NRAO Diversity Initiative for Co-ops and Internships web page

Who is eligible to be a Summer Student Research Assistant?

There are several Summer Student programs available at the NRAO:

- The **NRAO Research Experiences for Undergraduates (REU)** program is for **undergraduates** who are citizens or permanent residents of the United States or its possessions. It is funded by the [National Science Foundation \(NSF\)](#)'s [Research Experiences for Undergraduates \(REU\)](#) program.
- The **National Radio Astronomy Consortium (NAC)** is a program for undergraduate students (1st-4th year) who are U.S. citizens, permanent residents, or are enrolled in an accredited U.S. undergraduate program (including community college). The NAC program is intended to increase the number of women and underrepresented minority students entering, and remaining in, STEM areas that support the field of astronomy (e.g., science, engineering, computing, EPO, and more), by providing research experience and long-term mentoring and cohort support. Summer research experiences range from 8-12 weeks, and can take place at one of the NAC partner sites. For more information, see go.nrao.edu/nac.
- The **NRAO Undergraduate Summer Student Research Assistantship** program is for **undergraduate students or graduating college seniors** who are citizens, are from an accredited U.S. Undergraduate Program, or otherwise eligible to work in the United States. This program primarily supports students or research projects which do not meet the REU guidelines, such as graduating college seniors, some foreign undergraduate students, or projects involving pure engineering or computer programming.
- The **NRAO Graduate Summer Student Research Assistantship** program is for **graduate students** who are citizens or permanent residents of the United States, enrolled in an accredited U.S. Graduate Program, or otherwise eligible to work in the United States.

Students who are interested in Astronomy and have a background in Astronomy, Physics, Engineering, Computer Science, and/or Math are preferred. The same on-line application form is used for all three programs. We strongly encourage applications from members of underrepresented groups in STEM. We have a commitment to providing an inclusive, educational and exciting experience for all young scientists.

Fig. 26.— 2018 July 10 screen shot of the NRAO's 2018 Summer Student Research Assistant eligibility page

In the U.S. there is also a strong desire to develop further our human capacity in the Science, Technology, Engineering, and Mathematics (STEM) fields, especially within traditionally under-represented^[1] groups.

The challenges and obstacles faced by under-represented groups in the U.S. and overseas are similar. Increasing diversity and improving the environment for diversity are essential ingredients for human capacity development. The National and International Exchange Program (NINE) is part of the NRAO Office of Diversity and Inclusion. The program is geared towards enticing the best and brightest, both nationally and internationally, into high quality programs designed to benefit the participant, each partnering location, and the radio astronomy community as a whole.

The NINE program is not a 'science visit.' Due to the intensive NINE program schedule, opportunities to interact with scientists and engineers at NRAO may be limited.

For information about NRAO **science research opportunities** for students, see <https://science.nrao.edu/opportunities/student-programs>

For information about **science visits**, see <https://science.nrao.edu/opportunities/visitorsprogram>

^[1] We define under-represented groups to mean all of the following but not limited to people of color, women, economically disadvantaged and first-generation college students.

NINE Organization

The NINE program is part of the NRAO's Office of Diversity and Inclusion.

NINE Vision

Be a world-leader in providing practical learning opportunities in radio astronomy for the underrepresented. This means that the NRAO NINE program will initially provide opportunities for underrepresented professionals, technicians, administrators and, in some cases, students to come to NRAO and complete a short, intense training program ("NINE Training") designed to teach sustainable skills in using radio astronomy-related software that the individual can replicate in their home organization's NINE Hub program.

NINE Mission

The NRAO NINE program has a vested interest in building a pipeline of talent within the radio astronomy field, and within under-represented communities. The anticipated outcome of this program will be worldwide partnerships with fast growing radio astronomy communities designed to facilitate the exchange of NINE trainers and the co-mentoring of under-represented groups of learners.

Fig. 27.— 2019 February 15 screen shot of the public web page for NRAO's NINE program for the under-represented groups defined by the ODI

Broader Impact Goal Setting Reference Sheet 2010 – 2011

1. Create a goal(s) of your choice not referenced below that demonstrates broader impact.
2. Participate and encourage attendance in diversity training.
3. Encourage career development and create opportunities for continued learning (sharing information re: upcoming lectures, conferences, colloquia, etc.).
4. Create strategies to encourage open communications amongst colleagues, supervisors and others within the Observatory.
5. Participate in NRAO sponsored diversity/social/team building events.
6. Support Diversity Advocates and employees who wish to actively participate in employee diversity groups and/or diversity related events.
7. Participate in NRAO EPO activities such as Open House events, tours, etc. in Charlottesville, Green Bank, or at the VLA.
8. Assist colleagues as need arises.
9. Recognize and celebrate successes across the Observatory.
10. Report incidents that are inconsistent with the Non-Discrimination and Harassment Policy.
11. Provide recommendations for submission of job advertisements in diverse recruiting sources.
12. Participate, nominate, volunteer, and/or solicit diverse perspectives for search committee involvement (ads, list serves, association journals, etc.).
13. Ensure that a diversity topic/discussion is included on the agenda for regularly scheduled meetings.
14. Nominate or participate in recruitment/career fairs in coordination with Human Resources.
15. Volunteer to support diversity training or other diversity events.
16. Create/establish/sponsor Internship/Co-Op opportunities.
17. Support supplier diversity.
18. Assist with K-12 science education to all population groups that visit Green Bank or the VLA for education programs.
19. Partner with NRAO's EPO Division to collaborate on the Research Experiences for Teachers (RET) and/or Research Education Undergraduate (REU) Programs.
20. Assist with writing proposals for telescope time for underrepresented graduate students enrolled in NRAO student programs.
21. Speak at schools, civic organizations, and meetings of amateur astronomy groups to introduce people to radio astronomy and to the many diverse career paths that exist within it.
22. Coach/mentor Jansky Fellow, Postdoctoral Fellow or Research Associate.
23. Participate in staff community service, visitor programs, organizing science meeting and/or fund university lead hardware and software projects.
24. Visit sites to interact with NRAO staff and to carry out research programs other than while observing.
25. Promote and invite diverse colloquium speakers.
26. Participate/assist with diversity outreach by volunteering to visit schools, universities, etc with a targeted focus on underrepresented populations.
27. Supervise research of underrepresented undergraduate and graduate students.

Fig. 28.— Broader Impact page from the 2011 Scientific Staff Performance Appraisal

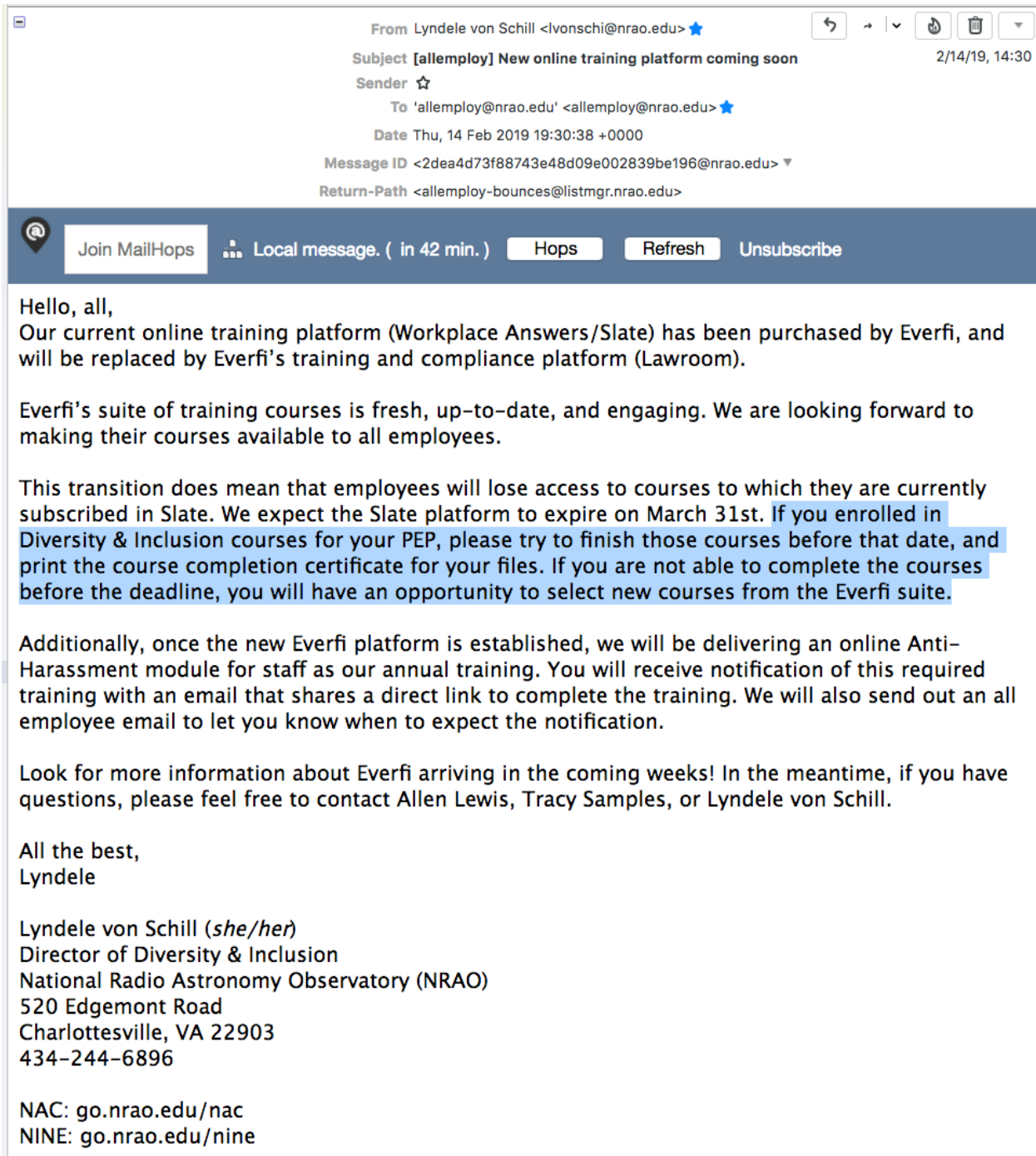


Fig. 29.— PEP credits are given for taking “Diversity & Inclusion” courses.

AUI Trustees Scholarship

by [Denise Merricks](#) — last modified Apr 23, 2018 04:16 PM



INTERNATIONAL SCHOLARSHIP
AND TUITION SERVICES, INC.

General Information:

One scholarship per year is available for children of Associated Universities, Inc. corporate employees. Three scholarships will be awarded to children of regular employees of centers of Associated Universities, Inc. Additionally, two minority scholarships are available for qualifying students who are African American, Hispanic, or Native American. The scholarships are awarded competitively and are renewable for up to four years of study toward an academic degree. An independent committee appointed by ISTS will make selection of scholarship recipients.

Scholarship Administrator:

AUI Trustee Scholarships
International Scholarship and Tuition Services, Inc. (ISTS)
1321 Murfreesboro Rd, Suite 800
Nashville, TN 37217
(855) 670-ISTS

[Frequently Asked Questions](#)

[Online Scholarship Application](#) - **Application "Key": AUI.** You must register with ISTS to apply. **Application available October 6, 2017.**

Fig. 30.— 2018 July 10 screen shot of the AUI Trustees Scholarship web page

The National Radio Astronomy Observatory is a facility of the National Science Foundation operated under cooperative agreement by Associated Universities, Inc.



Founded in 1956, the NRAO provides state-of-the-art radio telescope facilities for use by the international scientific community. NRAO telescopes are open to all astronomers regardless of institutional or national affiliation. Observing time on NRAO telescopes is available on a competitive basis to qualified scientists after evaluation of research proposals on the basis of scientific merit, the capability of the instruments to do the work, and the availability of the telescope during the requested time. NRAO also provides both formal and informal programs in education and public outreach for teachers, students, the general public, and the media.

Fig. 31.— The NRAO’s public home page <https://public.nrao.edu/> boasting of its “open skies” policy on 2018 August 22

Code of Conduct

Policy Ask Contents Glossary My Training

POLICY ACCEPTANCE

1 STEP [Review the Observatory's policy here.](#)

2 STEP By recording my acceptance below, I, **James J Condon**, acknowledge that I have received training regarding the Observatory's Code of Conduct policy and I certify that I have read, understood and will comply with the policy.

3 STEP [Record Your Acceptance](#)

EVERFI
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Fig. 32.— Screen shot of NRAO’s 2018 mandatory “Code of Conduct” training module slide 83 requiring employees to certify the Observatory’s Code of Conduct Policy.

2018 June 21

Dear Lyndele:

The mandatory Code of Conduct online training module for all employees is not just a training module; Slide 83 also requires every employee to state "By recording my acceptance below, I, [employee's name], acknowledge that [1] I have received training regarding the Observatory's Code of Conduct Policy and I certify that I have [2] read, [3] understood and will comply with the policy" defined by links to the NRAO Policy Manual Section 2 and to the NRAO Workplace Conduct Page. The three parts of this statement are inseparable in the online program. Employees who certify that they [1] have received training and [2] have read the policy cannot complete the required module without also certifying that they [3] understand and will comply with the policy. I am stuck at this stage:

[1] I acknowledge that I have received training regarding the Observatory's Code of Conduct Policy.

[2] I certify that I have read the policy links on Slide 83 to Section 2 of the on-line NRAO policy manual and to the Workplace Conduct page.

[3] I am unable to truthfully certify that I understand or can comply with all aspects of the policy. The reasons are (1) some aspects of "the policy" and NRAO practices appear contradictory to me, so I can no more certify that I understand them than I can say I understand the equation $2 + 2 = 5$ and (2) some NRAO policies are clearly discriminatory and I can't say that I will comply with them.

To give just one example, this nondiscrimination policy:

"The Observatory will monitor and review the application/recruitment process to ensure that all applicants are treated fairly, without regard to their race, color, religion, sex, age, disability, gender identity, gender expression, sexual orientation, marital status, national origin or any other characteristic protected by law."

seems to be incompatible with this diversity policy:

"If two candidates for professional and management positions are deemed equal, within reasonable uncertainty, then a member of an underrepresented group is given priority."

Fig. 33.— Certification email, page 1 of 3

When I asked for a clarification, HR replied that those policies are compatible:

"The two statements refer to two different stages of the application process. They are compatible. In the first step of the recruitment process, NRAO is committed to ensuring that applicants are treated fairly: Fairness is making judgments that are free from discrimination. Once all applicants are considered fairly, the second policy comes into play. If two candidates are deemed essentially equal, then –because NRAO is actively attempting to gain the benefits of a diverse workforce, for demonstrable reasons– priority will be given to the member of the underrepresented group."

Such sophistry is too clever by half. Treating all applicants fairly during the recruitment process but then discriminating against some candidates for employment because of their race or sex when deciding whom to hire is certainly not treating applicants "fairly, without regard to their race, color, gender identity, sex, ...". Also, another part of "the policy" that I am required to read and certify explicitly prohibits this sort of discrimination. The Code of Conduct Policy on the Workplace Conduct page says:

"NRAO does not discriminate against employees or candidates for employment because of race, color, religion, age, gender, physical impairment or disability, gender identity, gender expression, sexual orientation, marital status, veteran status, national origin, or other characteristic protected by law."

Thus I can neither understand nor support the HR policy using race and gender to discriminate against candidates for employment at the hiring stage, and I venture to say that many other employees who certified that they understand NRAO policies would be surprised and dismayed to read the HR clarification.

The NRAO has treated me well since I was first hired in 1972, so I am very loyal to the NRAO. My not certifying statement [3] is not insubordination because I cannot certify that understand what I do not understand and I cannot promise to comply with what I believe to be discriminatory policies.

The current certification impasse is just one symptom of the much larger problem: internal contradictions in various AUI/NRAO policies that try to increase diversity by discriminating, but without openly saying so. The online training statement about employee responsibility (Slide 70) especially jolted my conscience:

"If you become aware of any violations or potential violations of policy, laws, rules, regulations, or of accounting standards or controls, it is your obligation to immediately report this information to your supervisor, Human Resources or the legal department."

Over the years I have made only confidential internal reports to NRAO management about discriminatory policies and incidents, for two reasons: (1) I had hoped that these problems could be quietly corrected without tarnishing the NRAO's well-earned reputation based on its "open skies" observing policy and its excellent scientific staff formerly hired and promoted "on the basis of scientific and professional merit only." (2) It is widely understood that a white male astronomer openly questioning discriminatory diversity policies is playing Russian roulette with his career, and even a tenured astronomer should fear that his reputation will be tarred and his scientific colleagues will be afraid to work with him in the future, lest they be tarred by association. I have been afraid to speak openly, both for my own sake and for my collaborators and students. Other male white and Asian NRAO employees have approached me behind closed doors to say that they, too, are afraid to speak out against or even express concerns about discrimination justified by diversity policies.

Institutional discrimination has been going on far too long at AUI/NRAO and has gotten worse in recent years under cover of "diversity." It will not go away until somebody speaks up and says that the emperor has no clothes. For most NRAO employees this could be career suicide: I have been told that an untenured employee (e.g., a technician in Socorro) would be fired for insubordination if he did not sign the training certification. Although I would still prefer to address this problem quietly, as a senior tenured astronomer I now feel morally obliged not to remain silent about institutional discrimination, even at the risk of tarring my reputation and truncating my scientific career, by (1) refusing to certify anything I believe to be contradictory or discriminatory and (2) more openly questioning discriminatory AUI/NRAO policies.

I remain willing to discuss institutional discrimination and its consequences with AUI/NRAO management, and to spend the time and effort needed to write a detailed confidential report describing the problematic policies and incidents that I know of.

Jim Condon

Fig. 35.— Certification email, page 3 of 3