

REPORT OF INTERNAL INVESTIGATION
University of North Florida (UNF)
Office of Equal Opportunity and Diversity (EOD)

Investigated By



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November 19, 2018

I. Summary of Complaint and Investigative Background

On September 19, 2018, a student, [REDACTED], completed an EOD Non-Discrimination and Sexual Misconduct complaint form regarding alleged misconduct by Dr. Gregory Ahearn on September 11, 2018. [REDACTED] states that she was speaking to Dr. Ahearn about an assignment when she told him that she was going to [REDACTED] to interview for [REDACTED]. Dr. Ahearn reportedly replied, "Are you going to become a stripper out there? After all, that's why I teach you all physiology, so you can all become strippers."

According to [REDACTED], Dr. Ahearn not only subjected her to the unwelcome remarks about becoming a stripper on September 11, 2018, but has also subjected her to the following unwanted conduct:

- Stared at her breasts and buttocks on multiple occasions; and
- Remarked that she "really gets around" after she said hello to two other professors in Dr. Ahearn's presence.

[REDACTED] also complained that an instructor, Brian Coughlin, demonstrated a lack of professionalism after she was transferred [REDACTED]. Finally, [REDACTED] stated in her written complaint that she was not the only female treated inappropriately by Dr. Ahearn.

On or about September 25, 2018, Constangy, Brooks, Smith & Prophete LLP, was retained to conduct an investigation into Dr. Ahearn's conduct. This document is a report of that investigation. During the course of the investigation, the following individuals were interviewed:

Dr. Gregory Ahearn, Biology Professor
Brian Coughlin, Associate Lecturer, Biology
Michelle Davis, Office Manager, Biology
[REDACTED] Assistant
[REDACTED] Assistant
Brittany Kauffman, Academic Advisor
[REDACTED] Student

Dr. Daniel Moon, Biology Professor and Associate Vice President of Academic Affairs

██████████ Student

Dr. Judith Orchietor, Biology Assistant Chair, Associate Professor

Dr. Cliff Ross, Biology Chair, Professor

II. Findings

A. The Alleged "Strippers" Remarks

On September 12, 2018, ██████████ confided in her academic advisor, Brittany Kauffman. Specifically, Ms. Kauffman stated ██████████ came to her office and was visibly upset and nervous. ██████████ reported to Ms. Kauffman that, the previous day, she informed Dr. Ahearn that she was planning on traveling ██████████. ██████████ informed Ms. Kauffman that Dr. Ahearn replied by stating, "what are you going to do out there, be a stripper? After all, that's why I teach you all physiology, so you can become strippers." Ms. Kauffman encouraged ██████████ to see Dr. Ochrietor and Dr. Ross and tell them about Dr. Ahearn's conduct.

Also on September 12, 2018, ██████████ reported Dr. Ahearn's conduct of the previous day to both Dr. Ochrietor and Dr. Ross. Significantly, the conduct she reported to them was consistent with the conduct she reported to Ms. Kauffman and what is set out in her September 19, 2018, complaint form. After meeting with Dr. Ross, he requested that ██████████ prepare an email summarizing the events that they discussed. She wrote:

"I was told you wanted an email with the events so I am following up with you on them. I don't know if this is an event, but I have seen Gregory Ahearn stare at inappropriate areas on my body multiple times and have seen him do the same to other girls in my class. This past Tuesday, I was making small talk with him while a file opened up on his computer in lab and I told him that I received an interview invitation to ██████████. Instead of congratulating me or asking me when the interview was, he simply asked if I was going to become a stripper ██████████. I looked at him and said "no, that wasn't my plan" and he replied "after all, that is why I teach physiology, so you can all become strippers." I told him I would email him what I needed to show him in class and I went back to my seat."

(September 12, 2018, email from ██████████ to Dr. Ross).

██████████ stated during her interview that she barely knows Dr. Ahearn, does not have a history of joking with him, and has not said or done anything that would somehow suggest that his comment was welcome. She also stated that his comment was made early in the semester and she did not have any significant grades recorded by or pending with Dr. Ahearn. In

other words, she did not have any motivation to retaliate against Dr. Ahearn for any evaluation of her performance as a student.

Dr. Ahearn stated that he does not recall the conversation (or anything similar to it) reported by [REDACTED]. He stated that the comments attributed to him were out of character and not something that he would say.

B. Allegations that Dr. Ahearn Stared at Females Breasts and Buttocks

[REDACTED] stated that Dr. Ahearn stared at her breasts or buttocks on several occasions. She recalled an example when she bent over, then looked up and saw Dr. Ahearn looking at her. She stated that when her eyes met his, he looked away as if he was embarrassed because he had been caught looking at her inappropriately.

Dr. Ahearn denies leering at [REDACTED] and stated that, at his age, he does not have an interest in students.

[REDACTED] students of Dr. Ahearn were interviewed: [REDACTED], [REDACTED], and [REDACTED]. None of these students witnessed Dr. Ahearn staring at them or [REDACTED].

C. Alleged Remark that [REDACTED] “really gets around”

[REDACTED] stated that she was walking near Dr. Ahearn before class on September 11, 2018, when they passed Dr. Butler and Dr. Rossi in the hall. [REDACTED] said, “hello” to the professors and Dr. Ahearn reportedly said to her, “you really get around, don’t you?”

[REDACTED] stated that, initially, she did not think much about the comment. However, after Dr. Ahearn made the remark about stripping, she reflected on his comment and believed that Dr. Ahearn’s comment in the hallway was inappropriate.

Dr. Ahearn states that he does not recall making such a comment. However, he stated that if he did say something like that that he did not mean anything inappropriate by it. In other words, he likely meant that she met a lot of people in a relatively short period of time.

D. Other Allegations

1) **Disappointment in Brian Coughlin’s reaction to her [REDACTED] into his lab.** [REDACTED] stated in her EOD complaint that she was disappointed in Brian Coughlin’s behavior to her after she became a [REDACTED]. Shortly after [REDACTED] made Dr. Ross aware of Dr. Ahearn’s conduct toward her on September 11, 2018, Dr. Ross made arrangements, with her consent, to have [REDACTED] of Dr. Ahearn’s lab and into [REDACTED]. Mr. Coughlin was not initially made aware of the reasoning for the transfer and described the timing [REDACTED] as highly unusual. This may explain why Mr. Coughlin was perceived by [REDACTED] as being less than

enthusiastic about [REDACTED] his class. Later, [REDACTED] explained to Mr. Coughlin that [REDACTED] because of Dr. Ahearn's unwelcomed remarks. By the time [REDACTED] was interviewed by me, she stated that Mr. Coughlin's treatment of her had improved and "they were fine" now.

2) **No boyfriends allowed at dinner party.** [REDACTED] states that she was not the only female treated inappropriately by Dr. Ahearn. She stated that she was aware of a graduate student who was afraid to come forward because of potential retaliation. The graduate student informed [REDACTED] that Dr. Ahearn hosted a dinner party at his house for his students and when one student asked, via text, if she could bring someone as her guest to the party, Dr. Ahearn texted back that he did not want boyfriends to attend this party. During the investigation, [REDACTED] stated that she was the student who inquired about bringing a guest and Dr. Ahearn replied with the following: "I was hoping to only have our [REDACTED] at this party as a way of getting everyone together at one time. Boyfriends for another occasion. Ok? Thanks. Dr. A." [REDACTED] replied "Okay!"

Dr. Ahearn stated that he has hosted similar dinner parties at his home for years and that that this particular group of student assistants happened to be all female. When Dr. Ahearn sent an email invitation to the dinner party, he wrote, in part:

"Hi Ladies!

I am writing to you all to invite each of you to a dinner party that my wife and I would like to have to start off the new school year and to welcome [REDACTED] to the lab.

Our party will be held at our house on Saturday, 8 September 2018, at around 5:00 pm (bring your swim suit for a dip in our pool before dinner!!)."

[REDACTED] indicated that she asked about bringing her boyfriend, in part, because having him there would make her feel more comfortable, especially at a party where those invited (all women) were asked to wear a swim suit. Since 2012, Dr. Ahearn has employed [REDACTED] different student assistants, all of whom have been female. Dr. Ahearn is unique in this respect because his peers, in the same period of time, have employed a mix of males and females. Specifically, Dr. Doria Bowers has employed [REDACTED] males and [REDACTED] females; Dr. Eric Johnson has employed [REDACTED] females and [REDACTED] males; Dr. Judy Ochrietor has employed [REDACTED] females and [REDACTED] males; and Dr. Cliff Ross has employed [REDACTED] females and [REDACTED] males.

E. Dr. Ahearn's Prior Documented Misconduct and His Travel with Students

Dr. Ahearn received a written reprimand on June 26, 2012, based on his unprofessional conduct toward a female student. That student filed a complaint with the EOD alleging that he sexually harassed her. Upon completion of the EOD's investigation, it was determined that Dr. Ahearn violated the University's Equal Opportunity and Diversity Regulation, Sexual

Harassment Regulation, the sexual harassment provisions of the collective bargaining agreement as well as the faculty handbook in his interactions with the complaining student. The 2012 reprimand stated, in part:

“From a review of the report as well as your meetings and discussions with the EOD investigator and President John Delaney, the University continues to have concerns that you do not understand the appropriate boundaries that must be maintained in faculty / student relations as well as relations between a supervisor and employee, especially regarding young females. However, given your status as a distinguished professor with nearly eleven years of service and no prior discipline history, **the University has determined that it will not terminate your employment** for the above referenced conduct but instead is issuing this reprimand and requiring the following:

1. **That you attend sexual harassment training at a time and date to be determined by the University. Included in this training will be special emphasis on appropriate faculty/student relationships as well as supervisor/employee relationships.**
2. That you not travel with students to conferences or other commitments;
3. That you are being placed on probation for five (5) years effective the date of this reprimand. Significantly, if you are found to have committed any type of sexual misconduct in violation of University regulations or policies, the collective bargaining agreement or any other University criteria, you will be subject to the immediate termination of your employment.”

(Written Reprimand, emphasis added) (Attached as Exhibit A).

Significantly, Dr. Ahearn stated that he attended this in-person sexual harassment training as required.

F. Despite Reprimand, Dr. Ahearn has Continued to Travel with Students

Dr. Ahearn has traveled with students to conferences or other commitments since receiving the written reprimand. In his interview, he admitted to traveling with a student or multiple students in [REDACTED] 2016 and again in [REDACTED], 2018. During her interview, [REDACTED] stated that she traveled with Dr. Ahearn alone in his car to [REDACTED] for a University-related commitment. It was a [REDACTED] and [REDACTED] stated that Dr. Ahearn did not act inappropriately on that trip.

Dr. Ahearn stated that he believed that his instances of travel with students were not improper for two reasons. First, as to the 2016 [REDACTED], Dr. Ahearn stated that he did not consider the trip to be covered by the written reprimand's restrictions on "conferences or other commitments." Second, as to the 2018 travel, Dr. Ahearn stated that he spoke with President Delaney and was given oral permission to travel with students because President Delaney interpreted the travel restrictions to only be in effect for the five year period after June 26, 2012. There is no written documents modifying or lifting the travel restrictions that were imposed on Dr. Ahearn on June 26, 2012.

G. A Student Refused to Travel with Dr. Ahearn and Missed a Conference

One student, [REDACTED], backed out of a [REDACTED], 2019, planned trip to [REDACTED] with Dr. Ahearn because, in part, she felt uncomfortable traveling with him. Her apprehension was based on her experience with Dr. Ahearn and what she had heard about him shortly after she began working as an assistant in his lab. Her experience included him telling her a story about a trip to New Orleans that he took when a drunk woman grabbed him by the genitals. [REDACTED] believed that it was odd that Dr. Ahearn shared that story with her just a few weeks after they met. Additionally, approximately one month after she accepted a position working in Dr. Ahearn's lab, she heard some information about his past, including that he had been placed on travel restrictions. These factors played a role in her decision to cancel her plans to attend the [REDACTED], 2019, trip to [REDACTED] to attend a conference.

H. Unauthorized Contact with Students During Investigation

On September 20, 2018, Dr. Pam Chally, Interim Provost and Vice President for Academic Affairs, wrote a letter to Dr. Ahearn to notify him that he was being placed on paid administrative leave pending investigation due to a student complaint. Dr. Chally instructed Dr. Ahearn "not to have contact with any of [his] current students while on leave" and that "[f]ailure to comply with this instruction will result in disciplinary action for insubordination." In violation of this directive, Dr. Ahearn contacted his students through email correspondence during the investigation. Specifically, he has communicated with students in email correspondence on at least five occasions, including on October 15th, 17th, 25th, 30th, and November 3rd.

III. Conclusions and Recommendations

There were conflicts regarding what was said between Dr. Ahearn and [REDACTED]. Based on the candor and demeanor of the witnesses, I find it more likely than not that Dr. Ahearn made the stripper comments that [REDACTED] claims that he made. Dr. Ahearn's comments were crass, demeaning, and unwelcomed.

With respect the allegations that Dr. Ahearn stared at [REDACTED]'s breasts or buttocks on several occasions, I find it inconclusive that any such conduct occurred.

Additionally, I find it more likely than not that Dr. Ahearn made the comment "you really get around, don't you?" to [REDACTED] after she said hello to Dr. Butler and Dr. Rossi.

Because it is possible and perhaps even likely that this statement was not sexual innuendo, I do not find that these comments were among those made by Dr. Ahearn that were crass, demeaning, and unwelcomed.

The Collective Bargaining Agreement between the University of North Florida Board of Trustees and the United Faculty of Florida (“CBA”) includes Article 11, Nondiscrimination, Equal Opportunity, and Diversity, and a policies against sexual misconduct and sexual harassment. The sexual misconduct policy in the CBA promote prompt reporting of all types of sexual misconduct and timely and fair resolution of sexual misconduct complaints. The University’s Sexual Misconduct Regulation provides, in relevant part:

“Sexual harassment” means unwelcome sexual advances, request for sexual favors, or other verbal (including written and electronic communications when such communications are not protected as freedom of speech) or physical conduct of a sexual nature from any person when:

- Such conduct is sufficiently serious (i.e., severe, persistent or pervasive) to deny or limit a student’s ability to participate in or benefit from the University’s educational programs or activities or such conduct is sufficiently severe or pervasive so as to alter the conditions of, or have the purpose and effect of substantially interfering with, a faculty or staff member’s employment by creating an intimidating, hostile or offensive working environment.

Dr. Ahearn’s unwelcome conduct of a sexual nature (asking [REDACTED] if she was going to become a stripper and then stating that’s why he teaches them physiology so that they can become strippers), while crass, demeaning, and inappropriate, did not rise to the level of being sufficiently severe or pervasive so as to constitute sexual harassment under the University’s Sexual Misconduct Regulation. The University’s policy closely tracks the legal standard for sexual harassment under Title VII and Title IX. Therefore, the level of severity necessary for harassing conduct to constitute a policy violation is quite high.

While Dr. Ahearn’s inappropriate behavior that was the subject of this investigation does not rise to the level of sexual harassment, it has been harmful to students and the University. Dr. Ahearn’s unwelcome remarks have caused [REDACTED] to transfer [REDACTED] and [REDACTED] to cancel an academically-related trip to avoid further similar conduct and the prospect of retaliation. This continues a pattern of inappropriate conduct toward females dating back to 2008. In 2008, Dr. Ahearn was counseled because he improperly shared a hotel room with a graduate student. And then in 2012, he received a written reprimand, in part, for unwelcome, sex-based remarks made to a female employee/former student during University related-travel. Significantly, Dr. Ahearn’s most recent misconduct occurred despite his attendance at in-person

sexual harassment training in 2012. The written reprimand that required Dr. Ahearn's anti-sexual harassment training strongly suggested that Dr. Ahearn's employment was almost terminated as a result of this 2012 misconduct.

I recommend that the University take appropriate steps to address Dr. Ahearn's misconduct and to prevent sexual harassment in light of (1) Dr. Ahearn's documented poor judgment and misconduct from 2008, 2012, and, now, 2018; and (2) his unauthorized contact with students during the pendency of this investigation. In considering appropriate actions to prevent sexual harassment, the University should weigh the risks of Dr. Ahearn's continued employment against the potential of future misconduct.