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Policy Profile

Policy Title:	Conflict of Interest in Cases of Amorous Relationships
APS Number:	5015
Effective:	July 1, 2009
Approved by:	President Bruce D. Benson
Responsible University Officer:	Vice President for Administration
Responsible Office:	Sr. Associate Vice President and Chief Human Resources Officer
Policy Contact:	Sr. Associate Vice President and Chief Human Resources Officer
Supersedes:	APS "Conflict of Interest in Cases of Amorous Relationships" on April 1, 2005
Last Reviewed/Updated:	July 1, 2009
Applies to:	All campuses

Policy Snapshot

Brief Description: Establishes that an amorous relationship between two individuals constitutes a conflict of interest when one of the individuals has direct evaluative authority over the other, and requires that the direct evaluative authority be eliminated.

I. Introduction

Following adoption of Regent Policy 2-J on Sexual Harassment on June 26, 2003, and issuance of administrative policy statement "Sexual Harassment Policy and Procedures," effective July 1, 2003, a committee was established to consider changes to the related administrative policy statement "University Policy on Amorous Relationships Involving Evaluative Authority," dated July 1, 1999. The Amorous Relationships Committee received comments from a wide range of individuals and groups familiar with the workings of the existing policy, ranging from administrators, ombudsmen and women, to a former member of the Board of Regents. The policy was presented to and discussed with the Personnel and Educational Policy and University Standards (EPUS) committees of Faculty Council, as well as with Faculty Council itself. The policy also was reviewed by Staff Council, the system-wide student governance group, and the Human Resources Policy Group (HRPG). Each of these groups recommends its adoption.

II. Definitions

Amorous Relationships exist when two individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature.

Personnel Actions as defined in this policy include appointments/hiring, firing/layoffs, promotions/demotions, tenure decisions, salary setting, performance appraisals, grievance and disciplinary procedures.

Supervisor is defined as anyone who has the delegated authority to hire, promote, discipline, evaluate, grade or direct faculty, staff or students.

III. Policies and Procedures

Amorous relationships will sometimes develop between members of the University community, whether faculty members, students, administrators or staff. This policy requires that direct evaluative authority not be exercised in cases where amorous relationships exist or existed within the last seven years between two individuals, whether of the same or opposite sex. Problems often arise with amorous relationships in situations where one party is the supervisor and the other the supervisee. In such situations the integrity of academic or employment decisions may either be compromised or appear to be compromised. Further, amorous relationships between parties of unequal power greatly increase the possibility that the individual with the evaluative responsibility, typically a supervisor or a faculty member, will abuse her/his power and sexually exploit the student or employee. A relationship which began as consensual, may in retrospect be seen as something else by one or both of the parties. Moreover, others may be adversely affected by such behavior because it places the faculty

member or supervisor in a position to favor or advance one student's or employee's interest at the expense of others and implicitly makes obtaining preferences contingent upon romantic or sexual favors. This policy, consequently, is intended to: (1) establish a reporting structure to protect participants in these relationships from violations of University conflict of interest guidelines; and (2) provide direction concerning how to terminate evaluative responsibilities between the two parties in the reported relationship.

A. Removing Direct Evaluative or Supervisory Responsibilities

There is a conflict of interest when a direct evaluative relationship exists between two employees or between an employee and a student, either during the time that the amorous relationship is occurring or within seven years after it has occurred. In such circumstances the following procedures will be used to resolve the conflict of interest¹.

1) If the amorous relationship exists in a faculty member/student direct evaluative relationship, a faculty member/faculty member direct evaluative relationship, or a faculty member/staff direct evaluative relationship, the relationship must be disclosed to the faculty member's unit head(s) (department chair, dean, or head of the primary unit) with all parties present (the parties in the relationship and the unit head). The individual in the evaluative position shall recuse her or himself from all future evaluative actions involving the other person. The parties involved may choose to have this disclosure in written form placed in their own personnel files. 2) If the amorous relationship exists in a form of supervisor/supervisee direct evaluative relationship other than those enumerated above, it must be disclosed to the supervisor's unit head, typically the appointing authority, with all parties present. The parties involved may choose to have this disclosure in written form placed in their own personnel files. In either of these sets of circumstances, the responsibility to disclose rests with the person in the evaluative position. The individual to whom the disclosure is made is responsible for requiring that actions be taken to resolve the conflict by terminating the evaluative relationship. 3) If such actions are outside that individual's authority, the matter shall be referred to the individual with the authority to take such actions

In any of the circumstances described above, the individual to whom disclosure is made bears responsibility for keeping this information confidential to the fullest extent possible. When information concerning an amorous relationship has been placed in personnel files, it will be removed and destroyed seven years after the time of initial disclosure if the interested party should so request, specifying, in addition, that the prior relationship has now ended. On the campuses a report of the action taken to resolve this conflict of interest shall be made to the Chancellor or the Chancellor's designee. If the Chancellor or the Chancellor's designee should find that the actions do not adequately resolve the conflict, the chancellor or the chancellor's designee may require other action. In System Administration (with the exception of the Office of the Secretary of the Board of Regents and Internal Audit), the report shall be made to the President or the President's designee. If the President or the President's designee should find that the actions do not adequately resolve the conflict, the President or the President's designee may require other action. In the Office of the Secretary of the Board of Regents and Internal Audit, the report shall be made to the Chair of the Board of Regents. If the Chair of the Board

of Regents or the Chair's designee should find that the actions do not adequately resolve the conflict, the Chair or the Chair's designee may require other action.

B. Recusal and Disclosure in the Direct Line of Report

When an amorous relationship, either current or within the last seven years, exists between an individual and an employee who, although not her/his direct supervisor, is in the direct line of report (e.g., a dean who is involved with a faculty member in her/his college, or a second or higher level supervisor who has a relationship with a staff member in her/his unit), the higher level employee may not act in an evaluative capacity in relation to the other individual. Specifically, when the individual at the higher level of evaluative authority and the other individual in the relationship are parties to a personnel action as defined in this policy, the evaluative authority must recuse herself/himself from participating in that action. In this circumstance, either the individual at the higher level or her/his supervisor must report the action taken to resolve the conflict to the Chancellor or the Chancellor's designee. If the Chancellor or the Chancellor's designee should find that the actions do not adequately resolve the conflict, the Chancellor or the Chancellor's designee may require other action. For System Administration (with the exception of the Office of the Secretary of the Board of Regents and Internal Audit), the report shall be made to the President or the President's designee. For the Office of the Secretary of the Board of Regents and Internal Audit, the report shall be made to the Chair of the Board of Regents or the Chair's designee.

This policy will be reviewed on a periodic basis.

Questions concerning this policy and its interpretation should be directed to the Office of the Senior Associate Vice President and Chief Human Resources Officer.

IV. Related Policies

- This administrative policy statement supplements Regent Policy 2-J. Sexual Harassment as well as the Administrative Policy Statement, "Sexual Harassment Policy and Procedures."
- In situations involving spouses, civil union partners², or same gender domestic partners the Administrative Policy Statement, "Nepotism in Employment" applies.

V. History

- The initial APS "University Policy on Amorous Relationships Involving Evaluative Authority" was issued on July 1, 1999.
- It was revised and replaced by the APS "Conflict of Interest in Cases of Amorous Relationships" on April 1, 2005.
- The terms civil union partner and same gender domestic partner were added in May 2014 to reflect new State law regarding Civil Unions.

1. It shall be an acceptable alternative to the procedures described in this section for the individual in the evaluative or supervisory position to recuse her/himself from exercising further direct supervision of the other party to the relationship, if this can be done within the unit without stating a reason.

2. The terms *civil union partner* and same gender domestic partner were added in May 2014 to reflect new State law regarding Civil Unions.

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