

## Conflict of Interest in Amorous Relationships (APS 5015) FAQs

### **Why was this administrative policy statement reviewed?**

In fall 2024, President Todd Saliman requested that Valerie Simons, vice president of compliance and equity and system Title IX coordinator, convene a systemwide working group to review and update [APS 5015 \(Conflict of Interest in Amorous Relationship Policy\)](#).

### **What is an administrative policy statement?**

An administrative policy statement or “APS” is enacted by the president of the university in accordance with defined processes set forth by the [Office of Policy and Efficiency \(OPE\)](#) to provide rules and guidelines for the entire university community and delegate authority to officers of the university and administration.

### **Why is a policy that speaks to consensual romantic relationships framed as a “conflict of interest policy”? How does it compare to the existing sexual misconduct policy?**

The university seeks to protect the fundamental interest of every member of the university community to participate in university activities free from abuse of power, real or perceived conflicts of interests, or favoritism. At the same time, CU recognizes that consenting individuals associated with the university should be free to enter into consensual amorous relationships of their choice. APS 5015 is designed to address perceived or real conflicts of interest for *consensual* amorous relationships. Importantly, relationships that involve *harassment, coercion, intimidation, force, threats or intimidation, or condition the provision of an aid, benefit or service on an individual's participation in a relationship are not consensual* and are prohibited by the university's existing [Sexual Misconduct, Intimate Partner Violence and Stalking Policy](#) (APS 5014).

### **Why did VP Simons lead this effort?**

VP Simons supervises all the campus and system Equity Offices ([Boulder OIEC](#), [Anschtz | Denver OE](#), [UCCS OIE](#) and [System OERC](#)) which have jurisdiction to enforce APS 5015 as well as the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy (APS 5014) and the [Protected Class Nondiscrimination Policy](#) (APS 5065).

### **What does the proposed policy prohibit?**

The policy prohibits the following relationships:

Consensual amorous relationships **between** employees (faculty and staff), Regents and/or affiliates **and** another individual, including but not limited to students, covered by this policy where one teaches, manages, supervises, advises or evaluates that individual in any way (“evaluative authority,” as defined further

below) **unless** the person in the position of greater authority or power notifies appropriate university offices and ceases their evaluative authority over the individual through a mitigation plan. It's important to note that a mitigation plan (also defined below) may not be possible in all cases when an individual's evaluative authority cannot be transferred to a different individual.

### ***What is a consensual amorous relationship?***

This type of relationship occurs when individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature at the time the relationship occurred.

Consent is defined consistent with the university's [Sexual Misconduct, Intimate Partner Violence, and Stalking Policy, Administrative Policy Statement 5014](#), which generally says consent is clear, knowing and voluntary words or actions that create mutually understandable clear permission of willingness to engage in, and the conditions of, a sexual activity. Consent is not effectively given if it results from the use of force, including threats or intimidation, or if it is from someone who is incapacitated.

A romantic relationship refers to a mutually consensual personal relationship between individuals that involves affection, emotional intimacy and/or sexual attraction. This relationship is characterized by an emotional connection that goes beyond friendship and may include romantic words, gestures, behaviors or dating. It need not involve physical touching or sexual intimacy.

In a workplace or educational setting, a romantic relationship typically involves people who have a personal connection that a reasonable person would believe could affect or influence their professional or learner roles.

This policy is not intended to apply to spouses, civil union partners or domestic partners in the employment context. Refer to the university's [Nepotism in Employment Policy, APS 5003](#) concerning those types of relationships and other immediate family members.

### ***What does “evaluative authority” mean in the proposed policy? How is that different from the current policy?***

Proposed, New Definition of Evaluative Authority: An individual has authority or influence over another when the individual has direct or indirect supervisory or other evaluative authority or influence over another in the context of their educational or employment activities. This includes, but is not limited to, teaching and grading, managing, supervising, advising or evaluating and the ability to effectuate personnel actions including appointments/hiring, firing/layoffs, promotions/demotions, tenure decisions, salary setting, performance appraisals, grievance and disciplinary procedures or to determine an employee's or student's participation in any university program or activity. Employees

would also have direct or indirect influence, as would their supervisory upline, over all students who share the same academic department, program or major with those employees.

**Current Definition of Evaluative Authority:** Refers to “direct evaluative authority” between one party who is the “supervisor” and the other is the “supervisee.” Supervisor is further defined as any one individual or a member of an evaluative committee or group who has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff or students.

***What are some examples of a consensual amorous relationship that would be prohibited under the proposed new policy unless the “evaluative authority” can be removed through a mitigation plan?***

- professor and undergraduate student in the same academic department, program or major
- dean and graduate student in the same academic department, program or major
- professor and graduate student in the same academic department, program or major
- department chair and professor (in same department as chair)
- department associate vice chancellor and assistant vice chancellor (in same department as associate vice chancellor)
- supervisor and supervisee with whom the supervisor conducts the performance evaluation

Not every relationship can be successfully mitigated, e.g., a relationship between an instructor and a student in that individual’s class or a relationship between a faculty advisor and their advisee.

***What is a mitigation plan?***

A written plan developed pursuant to this policy that mitigates the conflict of interest and the potential for abuse or the appearance of favoritism created by the consensual amorous relationship and is acknowledged and signed by the parties involved and the respective department.

***Did the working group consider any other restrictive prohibitions for its revised policy that did not make it into the final draft?***

Yes. The working group reviewed policy options that included:

- prohibiting any consensual amorous relationships between any employees and any undergraduate student
- prohibiting consensual amorous relationships between any athletic department employee and student athlete
- prohibiting consensual amorous relationships between any employee and any undergraduate student under the age of 21

***Why did the working group and campus and system leadership ultimately decline to propose any of the more restrictive prohibitions?***

The working group and campus leadership determined that the final draft struck the right balance for a conflict of interest policy for consenting individuals in an amorous relationship with the following changes from current policy:

- Expanded definition of “evaluative authority” to remove any concerns about favoritism, abuses of power or perceived or real conflicts of interest, particularly involving students, when the power dynamic between two individuals is in question.
- Established clear prohibitions for defined consensual amorous relationships and protocol for how to disclose and mitigate any potential conflicts of interest
- Explained differences between relationships between consenting individuals pursuant to the Consensual Amorous Relationships Policy and those relationships that involve harassment, coercion, intimidation, force, threats or intimidation or “quid pro quo” that are addressed under the Sexual Misconduct, Intimate Partner Violence and Stalking Policy.

In addition, the working group determined as follows:

*Age restriction:* This consideration was ultimately rejected as inconsistent with the university’s obligation [not to discriminate on the basis of age](#).

*Undergraduate student restriction:* This was ultimately rejected as too broad given the wide range of ages and backgrounds for undergraduate students at all four campuses, including those who are pursuing postsecondary degrees later in life.

*Intercollegiate athletics restriction:* All staff, faculty and students, including athletic department employees and student athletes, are covered under the current APS 5015 and under the new proposed APS 5015.

The new athletic director at CU Boulder is currently reviewing policies specific to its athletic department employees and student athletes.

UCCS intercollegiate athletics policies currently provide: *Coaches and athletic department employees are prohibited from engaging in dating and/or sexual relationships with students or making sexual overtures to students over whom they are in a position of authority by virtue of their teaching, research or administrative assignments. All coaches are deemed to be in a position of authority over every student athlete or student employee of the athletic department.*

***How did the working group determine the final draft for the official review process?***

The systemwide working group met approximately every other week throughout spring and summer 2025 to review the [current policy language](#) and comparator policies from other universities. Based on those discussions and original direction from the president to review different policy options, the working group drafted policy language for initial review and comment in fall 2025 by students, faculty and staff through the CU system prior to the official review process for an APS.

Based on campus stakeholder feedback, the working group unanimously proposed the draft that was approved by the president and four chancellors and sent to OPE for the official review process. The draft is still subject to changes based on CU community feedback. Each campus will also conduct focus groups to ensure engagement, particularly with student populations.