



ADMINISTRATIVE POLICY STATEMENT

1 **Policy Title:** [Conflict of Interest in Cases of Consensual](#) Amorous Relationships

2 **APS Number:** 5015

3 **APS Functional Area:** [HUMAN RESOURCES](#)[COMPLIANCE](#)

4 **Brief Description:** Establishes that an [This policy prohibits consensual](#) amorous relationships between [two](#)
5 [individuals](#) [constitutes a conflict of interest](#) when one of the individuals [has direct teaches,](#)
6 [manages, supervises, advises or evaluates the other](#) ("evaluative authority [over the other,"\)
7 \[and requires that the direct\]\(#\) evaluative authority be \[eliminated\]\(#\)\[removed\]\(#\).](#)

8 **Effective:** July 1, [2015](#)[2026 \(Pending\)](#)

9 **Approved by:** President [Bruce D. Benson](#)[Todd Saliman \(Pending\)](#)

10 **Responsible University Officer:** Vice President of [Employee and Information Services](#)[Compliance and Equity](#)

11 **Responsible Office:** [Office of Vice President of Employee and Information Services](#)[Offices of Equity](#)

12 **Policy Contact:** [Office of Vice President of Employee and Information Services](#)[Offices of Equity](#)

13 **Supersedes:** Conflict of Interest in Cases of Amorous Relationships, July 1, [2009](#)[2015](#)

14 **Last Reviewed/Updated:** July 1, [2015](#)[2026 \(Pending\) \(Pending\)](#)

15 **Applies to:** All campuses. [The system administration is considered a campus for the purposes of this](#)
[policy and is required to adopt any campus requirements stated herein.](#)

16 **Reason for Policy:** Establishes that an amorous relationship between two individuals constitutes a conflict of interest when
17 [one of the individuals has direct evaluative authority over the other, and requires that the direct evaluative authority be](#)
18 [eliminated.](#) Consensual amorous relationships between certain categories of individuals affiliated with the university risks
19 [undermining the essential educational purpose of the university and can disrupt the learning and workplace environment.](#)

I. POLICY STATEMENT

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

28 [This policy is intended to establish: \(1\) clear prohibitions for certain consensual amorous relationships between individuals](#)
29 [with evaluative authority as defined below; and \(2\) protocol for how to disclose and mitigate permitted consensual](#)
30 [amorous relationships that are occurring or occurred with the last seven years to remove any concerns regarding](#)
31 [favoritism, abuses of power or perceived or real conflicts of interest.](#)

40 To report a consensual amorous relationship between two individuals constitutes a conflict of interest when, an alleged
41 violation, or otherwise seek guidance about this policy, contact the campus Equity Office as follows:
42

43 [CU Boulder](#)
44 [CU Denver | Anschutz](#)
45 [CU System Administration](#)
46 [UCCS](#)
47

48 Amorous relationships will sometimes develop between members of the University community, whether faculty members,
49 students, administrators or staff. This policy requires that direct evaluative authority not be exercised in cases where
50 amorous relationships exist or existed within the last seven years between two individuals, whether of the same or opposite
51 sex. Problems often arise with amorous relationships in situations where one party is the supervisor and the other the
52 supervisee. In such situations the integrity of academic or employment decisions may either be compromised or appear to
53 be compromised. Further, amorous relationships between parties of unequal power greatly increase the possibility that the
54 individual with the evaluative responsibility, typically a supervisor or a faculty member, will abuse her/his power and
55 sexually exploit the student or employee. A relationship which began as consensual, may in retrospect be seen as
56 something else by one or both of the parties. Moreover, others may be adversely affected by such behavior because it
57 places the faculty member or supervisor in a position to favor or advance one student's or employee's interest at the
58 expense of others and implicitly makes obtaining preferences contingent upon romantic or sexual favors. This policy,
59 consequently, is intended to: (1) establish a reporting structure to protect participants in these relationships from violations
60 of University conflict of interest guidelines; and (2) provide direction concerning how to terminate evaluative
61 responsibilities between the two parties in the reported relationship.
62

63 **A. Removing Direct Evaluative or Supervisory Responsibilities**
64

65 There is a conflict of interest when a direct evaluative relationship exists between two employees or between an
66 employee and a student, either during the time that the amorous relationship is occurring or within seven years
67 after it has occurred. In such circumstances the following procedures will be used to resolve the conflict of
68 interest.
69

70 1) If the amorous relationship exists in a faculty member/student direct evaluative relationship, a faculty member/faculty
71 member direct evaluative relationship, or a faculty member/staff direct evaluative relationship, the relationship must be
72 disclosed to the faculty member's unit head(s) (department chair, dean, or head of the primary unit) with all parties present
73 (the parties in the relationship and the unit head). The individual in the evaluative position shall recuse her or himself from
74 all future evaluative actions involving the other person. The parties involved may choose to have this disclosure in written
75 form placed in their own personnel files.
76

77 2) If the amorous relationship exists in a form of supervisor/ supervisee direct evaluative relationship other than those
78 enumerated above, it must be disclosed to the supervisor's unit head, typically the appointing authority, with all parties
79 present. The parties involved may choose to have this disclosure in written form placed in their own personnel files. In
80 either of these sets of circumstances, the responsibility to disclose rests with the person in the evaluative position. The
81 individual to whom the disclosure is made is responsible for requiring that actions be taken to resolve the conflict by
82 terminating the evaluative relationship.
83

84 3) If such actions are outside that individual's authority, the matter shall be referred to the individual with the
85 authority to take such actions.
86

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

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

100
101 **B. Recusal and Disclosure in the Direct Line of Report**

102 When an amorous relationship, either current or within the last seven years, exists between an individual and an employee
103 who, although not her/his direct supervisor, is in the direct line of report (e.g., a dean who is involved with a faculty
104 member in her/his college, or a second or higher level supervisor who has a relationship with a staff member in her/his
105 unit), the higher level employee may not act in an evaluative capacity in relation to the other individual. Specifically, when
106 the individual at the higher level of evaluative authority and the other individual in the relationship are parties to a
107 personnel action as defined in this policy, the evaluative authority must recuse herself/himself from participating in that
108 action. In this circumstance, either the individual at the higher level or her/his supervisor must report the action taken to
109 resolve the conflict to the Chancellor or the Chancellor's designee. If the Chancellor or the Chancellor's designee should
110 find that the actions do not adequately resolve the conflict, the Chancellor or the Chancellor's designee may require other
111 action. For System Administration (with the exception of the Office of the Secretary of the Board of Regents and Internal
112 Audit), the report shall be made to the President or the President's designee. If the President or the President's designee
113 should find that the actions do not adequately resolve the conflict, the President or the President's designee may require
114 other action. For the Office of the Secretary of the Board of Regents and Internal Audit, the report shall be made to the
115 Chair of the Board of Regents or the Chair's designee. If the Chair of the Board of Regents or the Chair's designee should
116 find that the actions do not adequately resolve the conflict, the Chair or the Chair's designee may require other action.
117

118 **II. PROHIBITED CONDUCT**

119 This policy applies to all university employees (faculty and staff), Regents, university affiliates, student employees, and
120 students. This policy is applicable regardless of the sex or gender of the individuals involved. In situations involving
121 spouses, civil union partners or domestic partners, APS 5003 - Nepotism in Employment applies, and not this policy.

122 The policy prohibits the following:

123 Consensual amorous relationships between employees (faculty and staff), Regents, and/or affiliates and another
124 individual covered by this policy where one of the individuals has direct evaluative authority over the other, and
125 requires that the direct teaches, manages, supervises, advises, or evaluates that individual in any way ("evaluative
126 authority be eliminated," as defined further below) unless the person in the position of greater authority or power
127 notifies appropriate university offices and a mitigation plan (also defined below) is in place to remove the evaluative
128 authority.

129 Examples of such consensual relationships that would need to be disclosed and evaluative authority removed pursuant to
130 Section V(B), include but are not limited to:

131

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

138 **III. RELATED VIOLATIONS**

139 Each of the following actions are also prohibited, and could be charged as potential violations of this policy in a formal
140 adjudication:

141 **A. Failure to Comply with Orders or Sanctions:** Not complying with orders or sanctions of the Equity Office or other
142 appropriate university officials related to this policy.

143 **B. Failure to Report:** When (1) the Responsible Employee received information that a member of the university
144 community was subjected to or committed an act of alleged prohibited conduct, and (2) the Responsible Employee
145 intentionally, knowingly, or recklessly disregarded the obligation to report, thus resulting in harm to a member of the

155 university community. This provision will be applied in a manner that promotes the reporting of prohibited conduct
 156 and avoids disciplinary actions when Responsible Employees conscientiously discharge their reporting obligations.
 157

158 C. Interference with Reporting: Prohibiting or interfering with a Responsible Employee or any other person's reporting to
 159 the Equity Office.

160

161 D. Providing False or Misleading Information: When a person knowingly or recklessly provides false or misleading
 162 information to an Equity Office in the course of a resolution process. Making a report or providing information in
 163 good faith, even if the information reported is not later substantiated, will not constitute a violation of this Policy.

164

165 E. Retaliation: Adverse educational or employment actions, including direct or indirect intimidation, threats, and
 166 harassment, taken against an individual because of their involvement in a complaint of prohibited conduct. An adverse
 167 educational or employment action is any conduct that would dissuade a reasonable person from reporting an allegation
 168 of, or participating in, an investigation of prohibited conduct.

169

170 **H.IV. DEFINITIONS**

171

172 *Italicized terms used in this Administrative Policy Statement are defined in the Policy Glossary of Terms or are defined*
 173 *below.*

174

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

177

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

180

181 *Supervisor* is defined as any one individual or a member of an evaluative committee or group who has the authority to hire,
 182 promote, discipline, evaluate, grade, formally advise or direct faculty, staff or students.

183 A. Personnel Actions as defined in this policy includeConsensual Amorous Relationship: Exists when individuals
 184 mutually and consensually understand a relationship to be romantic and/or sexual in nature at the time the relationship
 185 occurred. Consent is defined consistent with the university's Sexual Misconduct, Intimate Partner Violence, and
 186 Stalking Policy, Administrative Policy Statement 5014. A romantic relationship refers to a mutually consensual
 187 personal relationship between individuals that involves affection, emotional intimacy, and/or sexual attraction. This
 188 relationship is characterized by an emotional connection that goes beyond friendship and may include romantic words,
 189 gestures, behaviors, or dating. It need not involve physical touching or sexual intimacy. In a workplace or educational
 190 setting, a romantic relationship typically involves people who have a personal connection that a reasonable person
 191 would believe could affect or influence their professional or learner roles. This policy is not intended to apply to
 192 spouses, civil union partners, or domestic partners in the employment context. Refer to the university's Nepotism in
 193 Employment Policy, APS 5003, concerning those types of relationships and other immediate family members.

194

195 B. Employee: Except as specifically stated herein, "employee" includes faculty, staff, post-doctoral positions, and
 196 employee positions requiring graduate student status (such as graduate research or teaching assistant or graduate part
 197 time instructor) or undergraduate student status and consistent with how employment status is determined on each
 198 campus.

199

200 C. Evaluative Authority: An individual has authority or influence over another when the individual has direct or indirect
 201 supervisory or other evaluative authority or influence over another in the context of their educational or employment
 202 activities. This includes, but is not limited to, teaching, managing, supervising, advising, or evaluating and the ability
 203 to effectuate personnel actions including appointments/hiring, firing/layoffs, promotions/demotions, tenure decisions,
 204 salary setting, performance appraisals, grievance and disciplinary procedures or to determine an employee's or
 205 student's participation in any university program or activity. Employees would also have direct or indirect influence,
 206 as would their supervisory upline, over all students who share the same academic department, program or major with
 207 those employees.

208

209 D. Supervisor is defined as any one individual or a member of an evaluative committee or group whoMitigation
 210 Plan: A written plan developed pursuant to this policy that mitigates the conflict of interest and the potential for abuse
 211 or the appearance of favoritism created by the consensual amorous relationship and which plan is acknowledged and
 212 signed by the parties involved and the respective department.

213
214 E. Responsible Employee: Any employee who: (1) has the authority to hire, promote, discipline, evaluate, grade,
215 formally advise or direct faculty, staff or students; (2) has the authority to take action to redress prohibited conduct;
216 and/or (3) has been given the duty of reporting incidents of prohibited conduct by the Equity Office. The Equity
217 Office may designate in campus procedures that certain individuals who might otherwise not be considered
218 Responsible Employees are subject to mandatory reporting requirements.

219
220 F. Supervisee: Any individual whose terms and conditions of employment, student, student-athlete, or affiliate status are
221 controlled or affected by a supervisor, as defined by this policy.

222
223 G. Supervisor: An employee (including faculty or staff), student, Regent, or affiliate who:

224
225 • teaches, manages, supervises, advises, coaches, or evaluates in any way other employees, students, student-
226 athletes, or affiliates; and/or
227 • has a position of power, control, or the ability to influence decisions with regard to other individuals in the
228 learning, intercollegiate athletics, or working environment of the university.

229
230 H. University Affiliate: An individual associated with the university in a capacity other than as a student or employee
231 who has access to university resources through a contractual arrangement or other association that has been reviewed
232 and approved in accordance with guidelines established by the campus. Examples of a University Affiliate *may*
233 include, but are not limited to:

234
235 • employees of contractors hired to conduct repair work at the university;
236 • employees of vendors engaged to provide training to university administrators;
237 • health care providers retained by the university to provide medical services to students/staff;
238 • volunteers in academic and/or operational units within the university;
239 • post-doctoral positions who receive external funding; and
240 • researchers or recent graduates who are self-funded or independently funded, but utilize university facilities to
241 further the university's research endeavors.

242 V. **PROCEDURES AND REPORTING**

243 A. **Disclosing Consensual Amorous Relationships**

244
245 For relationships described in Sections II(B) the following steps **must** be followed by the person in the position of
246 greater authority or power prior to that person accepting a role that would create a conflict of interest:

247
248 • disclose the consensual amorous relationship to the appropriate campus Equity Office, who will notify the
249 appointing/disciplinary authority and Human Resources as applicable;
250 • disclose any consensual amorous relationship that currently exists prior to the effective date of this policy to the
251 Equity Office specified above as soon as possible and cooperate in the development of a mitigation plan as
252 outlined below; and
253 • cooperate in the development of a mitigation plan designed to reduce or eliminate the conflict of interest.

254 B. **Mitigation Plans**

255
256 If the conflict of interest can be successfully mitigated and managed for relationships described in Section II(B), a
257 written mitigation plan will be produced within fourteen days by Human Resources in collaboration with both parties
258 to the consensual amorous relationship, the appointing/disciplinary authority and the Equity Office. The fourteen-day
259 deadline may be extended for good cause.

260
261 If the mitigation plan is not agreed to by all parties to the plan, resolution of the disagreement will be handled by
262 Human Resources through consultation with the appointing/disciplinary authority, Human Resources and the Equity
263 Office.

268 If the real or perceived conflict of interest, potential for abuse, or the appearance of abuse or favoritism created by the
269 consensual amorous relationship cannot be successfully mitigated and managed, then the consensual amorous
270 relationship is prohibited.

272 The mitigation plan will:

274 • provide an alternative means for managing, supervising, teaching, evaluating and/or advising of the supervisee or
275 otherwise mitigate the conflict;
276 • give priority to the interest of the supervisee;
277 • be in writing and signed by both parties to the consensual amorous relationship;
278 • provide notice of Sexual Misconduct, Intimate Partner Violence, and Stalking Policy, APS 5014 and
279 • be reassessed on an annual basis (or sooner if circumstances warrant) by the person in the position of greater
280 authority, and the applicable department/unit for necessary modification.

282 **C. Grievance Process**

284 Each campus Equity Office shall establish written grievance procedures providing for prompt and equitable resolution
285 of any allegations of prohibited conduct as follows:

287 CU Boulder

288 CU Denver | Anschutz

289 CU System Administration

290 UCCS

292 Questions about the application or effect of this policy to an existing or potential relationship should be directed to the
293 Equity Office, including any relationships that are not otherwise contemplated by this policy and potential conflicts of
294 interest could be resolved through a mitigation plan as described above with the approval of the disciplinary authority,
295 Human Resources and the Equity Office. This policy is not intended to apply to spouses, civil union partners, or
296 domestic partners in the employment context. Refer to the university's Nepotism in Employment Policy, APS 5003,
297 concerning those types of relationships and other immediate family members.

299 When an alleged violation of this Policy involves more than one University of Colorado campus, the campus with
300 primary disciplinary authority over the person accused of prohibited conduct shall investigate the complaint pursuant
301 to its applicable complaint process and procedures. The campus responsible for the investigation may request the
302 involvement or cooperation of any other affected campus and should advise appropriate officials of the affected
303 campus of the progress and results of the investigation.

304 **VI. RESOURCES**

307 The links below provide information on how to contact the university's confidential employees:

309 CU Boulder

310 CU Denver | Anschutz

311 CU System Administration

312 UCCS

314 Communications of prohibited conduct to a Responsible Employee are not confidential, and these employees must report
315 prohibited conduct to the Equity Office when it is disclosed to them.

316 **III.VII. RELATED POLICIES AND FAQs, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES**

318 A. APS 5014 - Sexual Misconduct, Intimate Partner Violence, and Stalking This administrative policy statement
319 supplements:

322 1) Regent Policy 2 J: Sexual Harassment

323 2) APS 5014 - Sexual Misconduct

325 B. [APS 5003 - Nepotism in Employment](#) - In situations involving spouses, civil union partners or domestic partners, ~~the~~
326 ~~following Administrative Policy Statement~~ [APS 5003](#) applies.

327
328 4) [APS 5003 - Nepotism in Employment](#)

329
330 [C. Frequently Asked Questions \(FAQs\)](#)

331
332 [VIII. HISTORY](#)

333 A. The initial APS "University Policy on Amorous Relationships Involving Evaluative Authority" was issued on July 1,
334 1999. It was revised and replaced by the APS "Conflict of Interest in Cases of Amorous Relationships" on April 1,
335 2005. The policy was then reviewed and revised on July 1, 2009 and July 1, 2015.

336
337 B. The terms civil union partner and same gender domestic partner were added in May 2014 to reflect new State law
338 regarding Civil Unions.

339
340 C. Following adoption of Regent Policy 2-J on Sexual Harassment on June 26, 2003, and issuance of administrative
341 policy statement "Sexual Harassment Policy and Procedures," effective July 1, 2003, a committee was established to
342 consider changes to the related administrative policy statement "University Policy on Amorous Relationships
343 Involving Evaluative Authority," dated July 1, 1999. The Amorous Relationships Committee received comments from
344 a wide range of individuals and groups familiar with the workings of the existing policy, ranging from administrators,
345 ombudsmen and women, to a former member of the Board of Regents. The policy was presented to and discussed
346 with the Personnel and Educational Policy and University Standards (EPUS) committees of Faculty Council, as well
347 as with Faculty Council itself. The policy also was reviewed by Staff Council, the system-wide student governance
348 group, and the Human Resources Policy Group (HRPG). Each of these groups recommends its adoption.

349
350 D. The term same gender domestic partners was updated to domestic partners effective 2/18/19.