



**FAQs**

This provides a list of FAQs for APS 5015-Consensual Amorous Relationships

**ADMINISTRATIVE POLICY STATEMENT**

**Policy Title:** ~~Conflict of Interest in Cases of Consensual~~ Amorous Relationships

**APS Number:** 5015

**APS Functional Area:** ~~HUMAN RESOURCES~~ COMPLIANCE

**Brief Description:** ~~Establishes that an~~ This policy prohibits consensual amorous relationships between two individuals ~~constitutes a conflict of interest~~ when one of the individuals ~~has direct~~ teaches, manages, supervises, advises or evaluates the other (“evaluative authority ~~over the other,~~”) and requires that the ~~direct~~ evaluative authority be ~~eliminated~~ removed.

**Effective:** July 1, ~~2015~~ 2026 (Pending)

**Approved by:** President ~~Bruce D. Benson~~ Todd Saliman (Pending)

**Responsible University Officer:** Vice President of ~~Employee and Information Services~~ Compliance and Equity

**Responsible Office:** ~~Office of Vice President of Employee and Information Services~~ Offices of Equity

**Policy Contact:** ~~Office of Vice President of Employee and Information Services~~ Offices of Equity

**Supersedes:** Conflict of Interest in Cases of Amorous Relationships, July 1, ~~2009~~ 2015

**Last Reviewed/Updated:** July 1, ~~2015~~ 2026 (Pending) (Pending)

**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.~~

**Reason for Policy:** ~~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.~~ Consensual amorous relationships between certain categories of individuals affiliated with the university risks undermining the essential educational purpose of the university and can disrupt the learning and workplace environment.

**I. POLICY STATEMENT**

The University of Colorado 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).

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

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

CU Boulder  
CU Denver | Anschutz  
CU System Administration  
UCCS

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 interest.

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. 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. 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. 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.

## II. PROHIBITED CONDUCT

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

The policy prohibits the following:

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

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

- 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

## III. RELATED VIOLATIONS

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

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

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

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

- C. Interference with Reporting: Prohibiting or interfering with a Responsible Employee or any other person's reporting to the Equity Office.
- D. Providing False or Misleading Information: When a person knowingly or recklessly provides false or misleading information to an Equity Office in the course of a resolution process. Making a report or providing information in good faith, even if the information reported is not later substantiated, will not constitute a violation of this Policy.
- E. Retaliation: Adverse educational or employment actions, including direct or indirect intimidation, threats, and harassment, taken against an individual because of their involvement in a complaint of prohibited conduct. An adverse educational or employment action is any conduct that would dissuade a reasonable person from reporting an allegation of, or participating in, an investigation of prohibited conduct.

#### H-IV. DEFINITIONS

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

*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 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.

A. ~~*Personnel Actions as defined in this policy*~~ Consensual Amorous Relationship: Exists 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. 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.

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

C. 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, 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.

D. ~~*Supervisor is defined as any one individual or a member of an evaluative committee or group who*~~ 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 which plan is acknowledged and signed by the parties involved and the respective department.

- E. Responsible Employee: Any employee who: (1) has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff or students; (2) has the authority to take action to redress prohibited conduct; and/or (3) has been given the duty of reporting incidents of prohibited conduct by the Equity Office. The Equity Office may designate in campus procedures that certain individuals who might otherwise not be considered Responsible Employees are subject to mandatory reporting requirements.
- F. Supervisee: Any individual whose terms and conditions of employment, student, student-athlete, or affiliate status are controlled or affected by a supervisor, as defined by this policy.
- G. Supervisor: An employee (including faculty or staff), student, Regent, or affiliate who:
- teaches, manages, supervises, advises, coaches, or evaluates in any way other employees, students, student-athletes, or affiliates; and/or
  - has a position of power, control, or the ability to influence decisions with regard to other individuals in the learning, intercollegiate athletics, or working environment of the university.
- H. University Affiliate: An individual associated with the university in a capacity other than as a student or employee who has access to university resources through a contractual arrangement or other association that has been reviewed and approved in accordance with guidelines established by the campus. Examples of a University Affiliate *may include, but are not limited to:*
- employees of contractors hired to conduct repair work at the university;
  - employees of vendors engaged to provide training to university administrators;
  - health care providers retained by the university to provide medical services to students/staff;
  - volunteers in academic and/or operational units within the university;
  - post-doctoral positions who receive external funding; and
  - researchers or recent graduates who are self-funded or independently funded, but utilize university facilities to further the university's research endeavors.

## V. PROCEDURES AND REPORTING

### A. Disclosing Consensual Amorous Relationships

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

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

### B. Mitigation Plans

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

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

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

The mitigation plan will:

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

### C. Grievance Process

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

CU Boulder  
CU Denver | Anschutz  
CU System Administration  
UCCS

Questions about the application or effect of this policy to an existing or potential relationship should be directed to the Equity Office, including any relationships that are not otherwise contemplated by this policy and potential conflicts of interest could be resolved through a mitigation plan as described above with the approval of the disciplinary authority, Human Resources and the Equity Office. 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.

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

## VI. RESOURCES

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

CU Boulder  
CU Denver | Anschutz  
CU System Administration  
UCCS

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

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

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

- 1) Regent Policy 2 J: Sexual Harassment
- 2) APS 5014 - Sexual Misconduct

- B. APS 5003 - Nepotism in Employment - In situations involving spouses, civil union partners or domestic partners, ~~the following Administrative Policy Statement APS 5003~~ applies:

1) APS 5003 - Nepotism in Employment

C. Frequently Asked Questions (FAQs)

VIII. HISTORY

- A. 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 policy was then reviewed and revised on July 1, 2009 and July 1, 2015.
- B. The terms civil union partner and same gender domestic partner were added in May 2014 to reflect new State law regarding Civil Unions.
- C. 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.
- D. The term same gender domestic partners was updated to domestic partners effective 2/18/19.