



Love Can Cost a Thing: Sports Employers Can Learn Lessons from the Boston Celtics Workplace Romance Scandal

Insights

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In an unprecedented move, the Boston Celtics suspended head coach Ime Udoka for a full season on September 22 due to multiple violations of team policies arising from alleged unwanted advances he made towards a female member of his staff, with whom he admits having engaged in a consensual sexual relationship. This significant fall from grace for Udoka – and the swift and decisive action taken by the Celtics organization – can serve as a valuable lesson for sports teams and organizations of all types. If not prepared, workplace romances – even consensual ones – can result in unwanted scandals and potential litigation. This insight provides guidance to sports employers on how you can deal with the reality of workplace romances and avoid the potential fallout unique to your industry.

What Happened?

Last Wednesday, shockwaves reverberated around the league with reports that Udoka was facing possible significant discipline for an unspecified violation of the Boston Celtics team policies. Soon after, it became widely reported that Udoka was suspended for making alleged unwanted advances to a female staffer with whom he had an intimate consensual relationship.

As reported by *The Athletic*, Celtics leadership learned from its initial investigation that Udoka and the unnamed female were engaged in a consensual relationship. However, the situation changed for the worse when the woman reported that Udoka also made unwanted comments towards her during the relationship.

The Celtics organization acted swiftly, opening an internal investigation that uncovered multiple violations of unreported team policies. As a result, the team suspended Udoka for a year. At a September 23 press conference, team owner Wyc Grousbeck announced that Udoka would not only face a year-long suspension but will face “significant” financial penalties.

The Shifting Landscape in Professional Sports

The Udoka scandal comes at a time when women are breaking down barriers and shattering glass ceilings across professional sports. Women are coaching teams at all levels, being hired as sports executives and assistant coaches, and are generally more involved in sports organizations than at any previous time. These changes are nothing but a positive development, and you should recognize

that this sea change brings with it the heightened possibility of workplace romantic relationships – especially given the prevalence of such relationships in today’s culture.

While there is wide array of opinion regarding the length of Udoka’s suspension, what is clear is that consensual office romantic relationships are common and accepted by workers across all industries. According to a 2022 Society for Human Resource Management (SHRM) survey, 75% of workers surveyed said they were comfortable with workplace romances, a third reported they were currently involved in a workplace romance, and half reported that they’ve had a crush on a coworker. In another recent survey conducted by Vault.com, 58% of the employees surveyed reported they had engaged in office romances.

What’s Love Got to Do With it?

Workplace romances present a tricky problem for employers and employees alike. Most employees would rather not have their employer telling them who they can and cannot go out with. But from an employer’s standpoint, the risks of workplace romances are clear. What begins as a harmonious relationship can easily turn toxic if the parties involved can no longer work together as a result of a breakup. The romance could also lead to gossip fodder in the workplace, lack of productivity, potential claims of disparate treatment, or worse, sexual harassment.

Fortunately, there are many options available to employers to reduce risks when it comes to workplace relationships. In addition to implementing robust anti-discrimination and harassment policies and training, there are various types of anti-fraternization policies directed specifically at this issue.

Anti-Fraternization Policies Present Options for Sports Employers

Some sports employers choose to implement a policy amounting to a complete ban on romantic personal relationships between all employees. Such a policy discourages workplace relationships by providing you with the ability to discipline employees involved in such relationships. The downside to such policies is that they impact employee morale and come across as an invasion of privacy and an attempt to govern off-duty behavior.

To address this concern, many anti-fraternization policies only prohibit specific romantic relationships between supervisors and subordinates, individuals within the same chain of command, or any relationship where one party has the ability to affect the terms and conditions of the other’s employment. Such policies are more common and designed to prevent claims of favoritism or retaliation in the event that the relationship ends badly.

But there are also potential unintended consequences of such strict policies. In reality, many employers will not be able to prevent employees from dating. Once again, when it comes to romance, emotions are often going to supersede handbook policies. If you maintain strict policies banning such relationships under the threat of discipline, employees could simply conceal the

relationship. This means that if the relationship ends and an employee later claims that it was not consensual, there may not be evidence or corroborating witnesses to support the defense that the relationship was welcome.

Another Route to Consider

To address these issues, many employers have taken another route and have implemented permissive interpersonal relationship policies requiring employees involved in certain types of romantic or personal relationships to report them to the company immediately. Rather than disciplining employees for such relationships, these policies encourage and require employees to come forward with the relationship at the earliest opportunity.

Such policies recognize that employees are going to date, regardless of what a handbook says, and provide employers the opportunity to proactively address the situation. Employers can then remove any supervisory or managerial oversight between the employees involved in the relationship. Further, you can then require that the employees sign acknowledgments (sometimes called “love contracts”) attesting to consensual nature of the relationship and agreeing that each would be responsible for notifying the company immediately if things were to change.

Taking Action is Key

Finally, it is critical that your organization follows the Celtics’ lead should you uncover violations of your team policies. The Celtics operated appropriately by launching a swift and thorough investigation that uncovered critical evidence along the way. Team leadership obviously did not preordain an outcome, was willing to turn over all the stones needed, and kept at it until they learned all the information necessary to make a correct decision.

And most importantly, the team did not let Udoka’s status as an up-and-coming successful coach – one of the most important faces of their organization – interfere with making a decision to enforce its policies and impose a significant penalty. Very often, organizations of all stripes find it difficult to drop the hammer on popular, successful, and powerful leaders. But by following the Celtics’ lead and applying consistent punishment, demonstrating that no one is above the law so to speak, you set the right tone for your organization and create the best possible legal defenses should things turn sour.

Conclusion

At the end of the day, the Boston Celtics and professional sports teams must deal with the same workplace dilemma facing most employers. The reality is many romantic relationships form in the workplace. Some result in love and marriage, while others fail. To avoid getting caught in the fallout of a failed romance, there are many strategies employers may take both before, during, and after such relationships.

When it comes to complicated workplace romances, your Fisher Phillips attorneys are there to help and can help put into appropriate protective measures. We'll continue to monitor developments in this area and provide updates as warranted. Make sure you are subscribed to the [Fisher Phillips Insight service](#) to ensure you receive the latest news directly to your inbox. For further information, contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Sports Industry Practice Group](#).

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