
Colorado Civil Rights Commission: Activities 1976-1977

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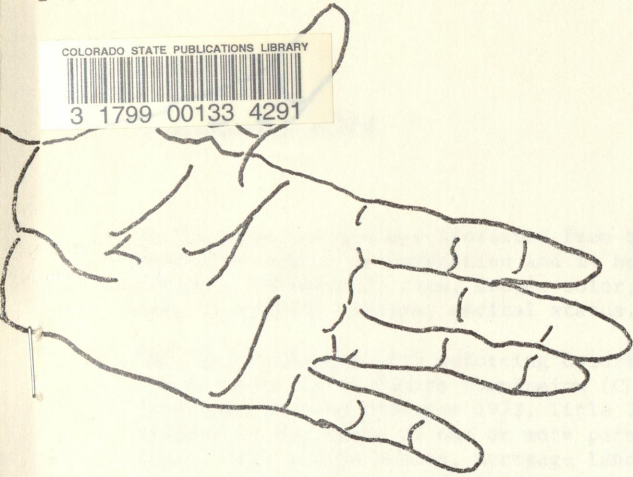
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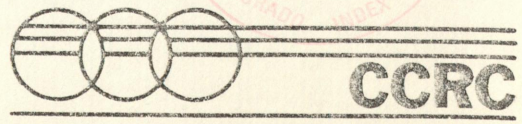
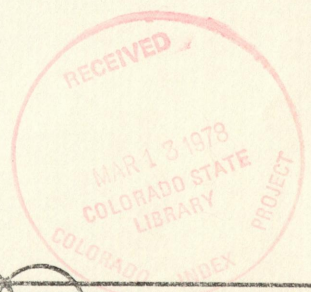


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Colorado Civil Rights Commission

Activities 1976-1977



Colorado Civil Rights Commission

Activities 1976-1977

STATE OF COLORADO
Richard D. Lamm, Governor

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JURISDICTION

In Colorado, people are protected from discrimination in employment, places of public accommodation and in housing matters on the basis of handicap (physical), race, creed, color, sex, national origin, ancestry and, in housing matters, marital status.

The agency charged with enforcing Colorado's anti-discrimination laws is the Colorado Civil Rights Commission (CCRC). The jurisdiction of CCRC (Colorado Revised Statutes 1973, Title 24, Article 34, Parts 3 through 7) extends to employers of one or more persons, employment agencies, landlords, real estate agents, mortgage lending institutions, schools and places of public accommodations such as restaurants, bars, recreational facilities, hotels and motels.

Any person who believes that he or she has been discriminated against in one of the areas covered by Colorado Law, may file a complaint with the Civil Rights Commission. That confidential complaint will be investigated to determine whether there is evidence of discrimination as it is defined by the law. Until that determination, CCRC is a "neutral party" attempting to fairly and objectively investigate allegations of discrimination.

In addition to enforcing Colorado's three civil rights laws, the Commission is also empowered by statute (C.R.S., 1973, 24-34-305 & 404) "to investigate and study the existence, character, causes, and extent of discrimination...and to formulate plans for the elimination thereof by educational and other means."

Further, CCRC is authorized "to issue such publications and reports of investigations and research as in its judgment will tend to promote good will among various racial, religious and ethnic groups of the state..."

COMMISSIONERS

C.R.S. 1973, 24-34-304 provides that "the commission shall consist of seven members, who shall be appointed by the governor, with the consent of the senate, for terms of four years... Appointments shall be made to provide geographical area representation insofar as may be practicable, and no more than four members shall belong to the same political party... Commissioners shall serve without compensation but shall be reimbursed for necessary travel expenses incurred by them while on official commission business."

CCRC Chair. 1977-78

Reverend Milton E. Proby
Colorado Springs

CCRC Vice-Chair. 1977-78

Dorothy S. Wham
Denver

CCRC Secretary 1977-78

Janet Anderson
Denver

Sara J. Beery
Grand Junction

Harvey E. Deutsch
Aurora

Delfino Mata
Pueblo

Aurora Marquez
Durango

ACCOMPLISHMENTS

1976-77 was a year described by Commissioner Dorothy S. Wham as one in which CCRC was "running fast, going backwards." Indeed, despite impressive increases in the number of cases handled by the Commission's staff and despite effective work in the areas of case settlement, education and case processing, the Commission took 242 cases more than were closed during the 1976-77 fiscal year.

Although much time and energy is spent by the Commission trying to deal with the backlog of cases, that section of the statute which authorizes the Commission to "formulate plans for the elimination (of discrimination) by educational or other means" also plays an important part in the daily workload of the Colorado Civil Rights Commission.

May I help you?

Because the Civil Rights Commission feels that education will play a major role in the "elimination" of discrimination--and because it is a policy of the Commission to avoid perpetuating the "bureaucratic red tape" so many people discover in their quest for information, not all the information and research of the Commission is directly related to complaints. People are available in each of the Commission's seven offices each day of the week, except weekends, to answer questions about civil and human rights and related areas. Many of the questions received by the staff concern things like what questions can be asked on an application form. Others concern possible complaints: the person involved wants to make sure that he or she has a valid complaint before making the trip to a Commission office to file a legal complaint. In addition to answering these types of questions, CCRC representatives present training and workshops, work with community agencies and assist Colorado citizens in locating the office which can help them, when CCRC cannot.

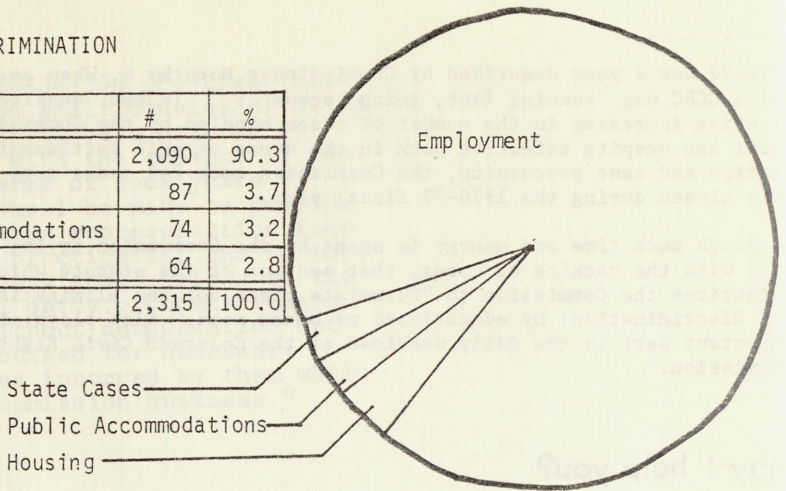
1976-77 INFORMATION AND EDUCATION EFFORTS

Information Calls (complaint related):	3,742
Complaint Intake Sessions:	2,855
Complaints filed:	2,315
Referrals/Counseling Sessions:	540
Information calls (non-complaint):	792
Informational Mailings:	614
Speaking engagements:	94

CASES OPENED 1976-77

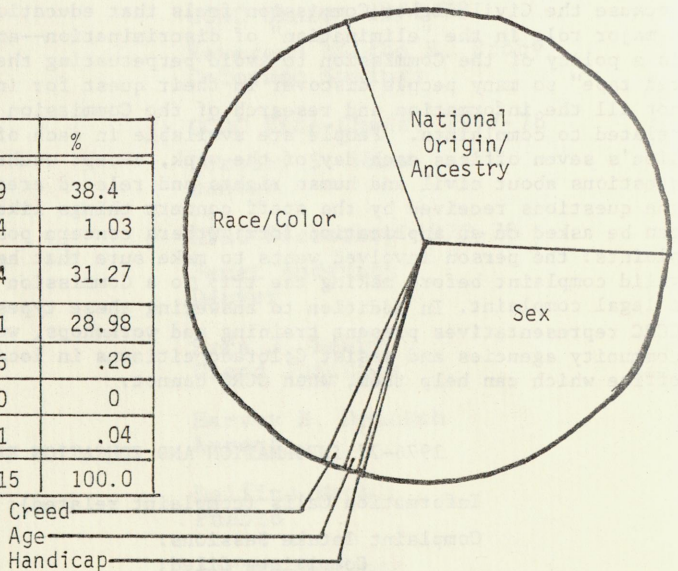
ALLEGED DISCRIMINATION 1976-77

Allegation	#	%
Employment	2,090	90.3
Housing	87	3.7
Public Accommodations	74	3.2
*State Cases	64	2.8
Total	2,315	100.0



BASIS FOR COMPLAINTS 1976-77

Basis	#	%
Race/Color	889	38.4
Creed	24	1.03
National Origin/ Ancestry	724	31.27
Sex	671	28.98
**Age	6	.26
Marital Status	0	0
**Handicap	1	.04
Total	2,315	100.0

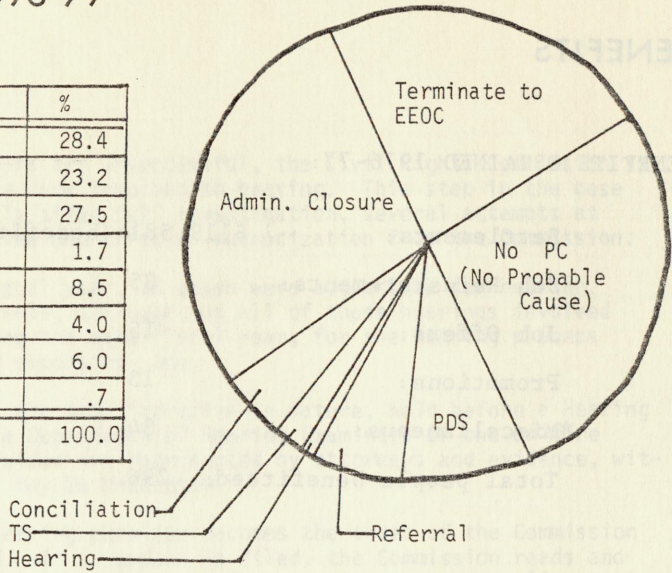


*The Colorado Civil Rights Commission does not have jurisdiction over complaints filed by State employees; however, under agreement with the Dept. of Personnel the Commission investigates State cases and turns the investigations over to the Personnel Board for a finding.

**Colorado law did not cover age or handicap discrimination during 1976-77. These charges were taken as State cases.

CASES CLOSED 1976-77

Closure	#	%
Admin. Closure	589	28.4
Term. EEOC	481	23.2
Dismissed-no PC	565	27.5
Successful TS	36	1.7
Successful PDS	178	8.5
" Concil.	83	4.0
Referral	126	6.0
Hearing	15	.7
Total	2,073	100.0



Every possible effort is made to settle a complaint of alleged discrimination in order to save time, effort and money and to insure that both the complainant and respondent are treated in a fair, objective and efficient manner. The terms used to describe these efforts at settlement differ depending upon the stage at which the settlement (or closure) is reached.

"TS" (Troubleshooting) occurs immediately after a complaint is filed, without formal investigation.

"PDS" (Pre-determination settlement) occurs during the investigation, before a determination of probable cause or no probable cause is made.

"Concil." (Conciliation) is a formal attempt at settlement made after a finding of probable cause but prior to hearing authorization. Conciliation attempts are confidential (except in housing cases) and denote no admission of guilt on the part of the respondent not no admission of a groundless complaint on the part of the complainant.

"Admin. Closure" (Administrative Closure) refers to cases which are closed for a variety of administrative reasons such as failure to locate the complainant.

"Terminated to EEOC" and "Referral" both refer to cases which are sent to EEOC under the Commission's contract with that federal agency. Referrals are filed with CCRC but, because of lack of jurisdiction, are sent to EEOC immediately. "Terminations" are cases which CCRC investigators have done some work on prior to going to EEOC.

BENEFITS

BENEFITS OBTAINED 1976-77:

Settlements:	\$119,581	(benefitting 149 persons)
Job Reinstatements:	35	
Job Offers:	15	
Promotions:	13	
*Miscellaneous:	84	
Total people benefitted:	296	

PROSPECTIVE RELIEF

Because the figures given above do not truly indicate the relief obtained by CCRC for complainants, 1977-78 statistics will include a "prospective relief" figure. This will calculate in dollars and cents the relief obtained through job offers, reinstatements and promotions over a one-year period. The formula used to obtain such figures was developed by the federal government and has been used by the Equal Employment Opportunity Commission (EEOC) for several years.

Prospective relief figures for the first quarter of the 1977-78 fiscal year average between \$30,000 and \$40,000 per month which would lead to over \$400,000 per year in money returned to the economy by the efforts of the Colorado Civil Rights Commission.

*Includes offers to rent, letters of apology, eviction notices rescinded, positive job recommendations etc.

HEARINGS

If conciliation attempts are unsuccessful, the Civil Rights Commission is authorized to take the case involved to hearing. This step in the case process is reached only after full investigation, several attempts at settlement, legal review and official authorization from the Commission.

During the 1976-77 fiscal year, 36 cases were authorized for hearing. Twelve hearings were held, although not all of those hearings involved cases authorized during the same fiscal year, for the hearing process can be a lengthy (and expensive) one.

Civil Rights hearings are administrative in nature, held before a Hearing Officer from the State Department of Hearing Examiners or one or more Commissioners. Both sides are represented by attorneys and evidence, witnesses and statements may be presented.

The decision of the hearing examiner becomes the order of the Commission if it is not appealed. If an appeal is filed, the Commission reads and studies transcripts of the hearing, briefs and evidence and may listen to oral arguments. The decision of the Commission may also be appealed-- first to District Court, then to the Court of Appeals and ultimately to the Colorado Supreme Court.

Thus, while an actual hearing may take only one day, final disposition of the case may take many years and cost a great deal of money.

The hearings and appeals heard during FY 76-77 include:

John Elam v. Mr. and Mrs. John Davison and C. Ray Bigelow

Mr. Elam alleged that the respondents refused to sell him a house because of his race and color, Negro/Black. The case was taken to hearing in August, 1976. The Hearing Examiner ruled in favor of Mr. Elam and ordered the respondents to sell him the house. Today, Mr. Elam is living in the house and pursuing his claim to damages in District Court.

Kathy Estes v. The Brown Palace Hotel

One of CCRC's most unusual cases, Ms. Estes alleged that she was discharged from her job because of her creed, witchcraft. The case was heard in March, 1976. The Hearing Examiner found in favor of Ms. Estes and ordered the respondent to pay her back wages in the amount of several thousand dollars. The case was appealed to the Commission, the decision of the Hearing Examiner was upheld and the case is presently being appealed in District Court.

BUDGET

*BUDGET ALLOCATIONS	1976-77	1977-78	1978-79 request
GENERAL FUND	526.3	545.5	564.2
FEDERAL FUNDS	146.9	147.1	151.8
CASH FUNDS	30.6	**110.0	20.0

GENERAL FUND APPROPRIATIONS BY PROGRAM, 1977-78

Total:	\$545,464
Personal Services:	\$490,000
Operating Costs:	\$32,132
Travel:	\$8,672
Capitol Outlay:	\$8,593
Hearings:	\$6,067

1977-78 ALLOCATION BY OFFICE

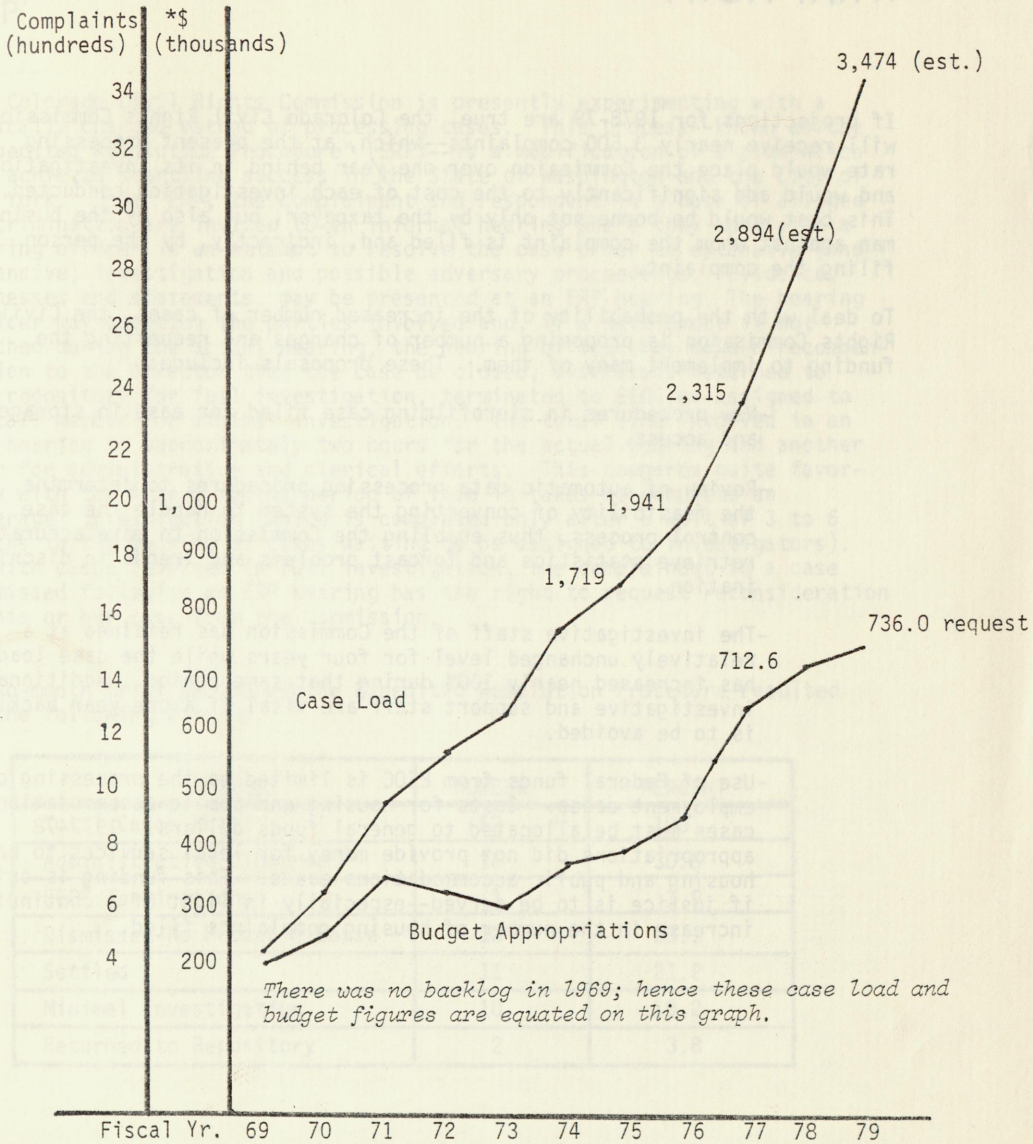
OFFICE	ALLOCATION
ALAMOSA	\$36,453
COLORADO SPRINGS	\$35,956
DENVER	\$402,593
GRAND JUNCTION	\$36,848
PUEBLO	\$55,033
***TOTAL	\$600,774

*Budget allocations are given in thousands of dollars

**Includes \$90,000 federal funds for a special HUD project.

***Total allocated by office exceed the total general fund allocation by \$55,310. This amount is to be made up by reimbursement from the Salary Act (\$21,888), Merit (\$9,917), Health and Life (\$7,224) and vacancy savings of \$16,281. Five months into the fiscal year there are no vacancy savings available.

BUDGET and THE CASE LOAD



*Includes General fund, Federal funds and cash funds allocated for processing, investigation and hearing of complaints, thus the 1978 figure does not include money allocated for a special HUD project.

WHAT NOW?

If projections for 1978-79 are true, the Colorado Civil Rights Commission will receive nearly 3,500 complaints--which, at the present processing rate would place the Commission over one year behind in its investigations and would add significantly to the cost of each investigation conducted. This cost would be borne not only by the taxpayer, but also by the business-man against whom the complaint is filed and, indirectly, by the person filing the complaint.

To deal with the probability of the increased number of cases, the Civil Rights Commission is proposing a number of changes and requesting the funding to implement many of them. These proposals include:

- New procedures in microfilming case files for ease in storage and access.
- Review of automatic data processing procedures to determine the feasibility of converting the system to handle the case control process, thus enabling the Commission to more accurately retrieve statistics and forecast problems and trends in discrimination.
- The investigative staff of the Commission has remained at a relatively unchanged level for four years while the case load has increased nearly 100% during that same period. Additional investigative and support staff are vital if a one year backlog is to be avoided.
- Use of Federal funds from EEOC is limited to the processing of employment cases. Costs for housing and public accommodations cases must be allocated to general funds dollars. 1977-78 appropriations did not provide money for legal services to handle housing and public accommodations cases. This funding is critical if justice is to be served--especially in light of a continuing increase in the number of housing complaints filed.

'ERP'

The Colorado Civil Rights Commission is presently experimenting with a radically changed method of processing cases. This process--known as the "Expedited Resolution Procedure" (ERP)--is a modification of a plan which has achieved startling success in the State of Washington and the City of New York. Under ERP, the complainant and respondent in a case of alleged discrimination are invited to an informal hearing where they meet with a hearing officer in an attempt to resolve the case prior to extensive (and expensive) investigation and possible adversary proceedings. Evidence, witnesses and statements may be presented at an ERP hearing. The hearing officer may question the parties involved and, if a settlement is not reached during the actual hearing, the hearing officer may make a recommendation to the Director that the case be closed, dismissed, returned to the repository for full investigation, terminated to EEOC or assigned to a staff member for minimal investigation. The total time involved in an ERP hearing is approximately two hours for the actual hearing and another hour for administrative and clerical efforts. This compares quite favorably with the 4 to 6 months period of time it takes to complete an "average" investigation (which is completed only after a wait of 3 to 6 months in the backlog of cases waiting to be assigned to investigators). As with cases involved in full investigation, the complainant in a case dismissed following an ERP hearing has the right to request reconsideration of his or her case from the Commission.

A two-month trial period of the Expedited Resolution Procedure resulted in the following figures:

ACTION	NUMBER	PERCENT
Total Cases Heard	52	100
Administrative Closures	16	30.8
EEOC Terminations	1	1.9
Dismissed-No Probable Cause	12	23.1
Settled	11	21.2
Minimal Investigation	10	19.2
Returned to Repository	2	3.8

EEOC CONTRACT

Federal law requires the Equal Employment Opportunity Commission (EEOC) to defer cases filed with it to state civil rights agencies for a period of 60 days before the EEOC can take any action on them. In addition, Title VII of the 1964 Civil Rights Act (Section 706) authorizes EEOC to contract with state agencies for the resolution of cases.

The Colorado Civil Rights Commission is a "706" agency and as such contracted with EEOC in 1976-77 for \$210,000 to process 800 cases. This contractual agreement serves to more effectively protect the civil rights of Colorado residents. Under it, many cases which the Colorado Civil Rights Commission does not have the jurisdiction to handle are "referred" or "terminated" to EEOC for handling, since in some respects the federal law is broader than the Colorado Antidiscrimination Act of 1957.

Under the "706" Contract, EEOC also periodically provides training for Colorado Civil Rights Commission investigators and pays the salary of 8 staff persons who handle the investigatory, administrative and clerical steps involved in the deferral-referral of cases.

HUD FAIR HOUSING PROJECT

In 1976 the Colorado Civil Rights Commission was selected as one of ten state agencies across the nation to receive funds from the Department of Housing and Urban Development for a special research project on Fair Housing Strategy Demonstrations.

The thirteen-month contract was signed on March 18, 1977. It involves \$120,000 to be spent on the project between June 1, 1977 and May 30, 1978.

The project, which involves several staff people, including 5 full time and 2 part-time employees whose salaries are paid from the contract monies, is designed to change selected governmental policies or practices which limit the availability of housing to minorities, women and low-income persons; and to encourage governmental decisions which tend to increase the availability of adequate housing for minorities, women and low-income persons. The strategies being used to accomplish this goal are investigation of land use and development controls and the development and implementation of an A-95 Civil Rights Review and Monitoring Program for Federal and State Funds. Although the results of the project will have state-wide and even nation-wide impact, the target areas for the research have been identified as Denver and Jefferson counties and the Boomtown areas of Grand Junction and Meeker. The project is headquartered at the Five Points Center in Denver.

The Colorado Civil Rights Commission

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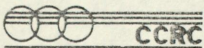
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*"Let freedom ring...
from the snow-capped Rockies of Colorado!"*
-Dr. Martin Luther King, Jr.

"Protected classes" is a term used to describe those persons whose rights are specifically protected by civil rights laws. There are over one and one-half million persons in Colorado in this category, including over one million women, over 66,000 Blacks, 286,000 Chicanos and several thousand Indians, Asians and handicapped persons.