A Promise for a Better Tomorrow

The State of Civil Rights Issues in Colorado









Colorado Civil Rights Commission and Division

2009 Annual Report







Bill Ritter, Jr., Governor Barbara J. Kelley, Executive Director, DORA Eva Muñiz-Valdez, Chair, Colorado Civil Rights Commission Steven Chavez, Director, Colorado Civil Rights Division



Colorado Civil Rights Commission Colorado Civil Rights Division

The Colorado Civil Rights Commission is a seven-member, bipartisan panel that conducts hearings on the character, causes and extent of illegal discriminatory practices throughout the state, and intercedes in mediating between groups. The Civil Rights Division enforces the civil rights laws in housing, employment and public accommodation, in order to protect people from the damages of discrimination.

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ACKNOWLEDGEMENTS

Colorado Civil Rights Commission Chair Eva Muñiz Valdez would like to thank DORA's former Executive Director Rico Munn for his tremendous support over the past three years and wish him well in his new post at the Department of Higher Education. The Division would also like to thank all of the participants of the many civil rights forums around the state. Your comments helped develop this report, and we thank you for your input. To our partners in outreach, such as DOLA's Division of Housing, HUD, FEET, LARASA, the City of Longmont, and the Pueblo Human Relations Commission, your collaboration made this report possible. Finally, and most importantly, thank you to the dedicated staff of the Colorado Civil Rights Division for your valuable public service to the people of our great state.

Colorado Civil Rights Commission

Commissioners	Term Expires	Area Served
Eva Muñiz Valdez, Chair, Rep. Community at Large	3/13/2013	Pueblo, Southern Colorado
Katina Banks, Vice Chair, Rep. Community at Large	3/13/2011	Denver, Colorado
Anthony Aragon, Secretary, Rep. Local Government	3/13/2011	Denver, Colorado
Janelle R. Doughty, Rep. Community at Large	3/13/2013	Marvel, Southwest Colorado
Raju Jairam, Rep. Business Community	3/13/2011	Fort Collins, Northern Colorado
Isaiah "Ike" Kelley, Rep. Small Business	3/13/2012	Denver, Colorado
Diann Rice, Rep. State or Local Government Entities	3/13/2012	Fruita, Western Colorado

Civil Rights Division Director

Steven Chavez, Director, Civil Rights Division Colorado Department of Regulatory Agencies

Greetings from the Governor, Bill Ritter

I am pleased to present the following report on the state of civil rights in Colorado and the outreach and enforcement activities of the Colorado Civil Rights Commission and Civil Rights Division. Some might read this report and believe that the state of civil rights in Colorado is dire. I am optimistic that together we will move Colorado forward by starting with an honest assessment of the condition of civil rights in Colorado. That is the charge I gave the Civil Rights Division with this report.





Governor Ritter signs into law the Sunset Bill to continue the work of the Colorado Civil Rights Division on May 11, 2009

The report clearly shows that we are listening to civil rights complaints and taking action where appropriate. This Annual Report by the Colorado Civil Rights Commission is a longstanding requirement by law. However, this is the first report in approximately a decade. I am sure budget and resources have always been a hindrance of publishing this report in the past, but when I signed legislation in May 2009 to continue the Colorado Civil Rights Division's great work in protecting consumers, I insisted that this report be a priority.

Formerly as Denver District Attorney, and now as Governor, I have championed civil rights for Coloradans and am passionate about continuing that effort. Since becoming Governor in January of 2007, I have prioritized the reopening of two regional civil rights offices for the state, in Pueblo and in Grand Junction. When budget allows, I intend to reopen the Greeley office. Outreach to educate consumers about their rights and resources available to them has also increased, despite reductions to the Civil Rights Division's budget.

While this report cannot possibly provide all solutions for Colorado's civil rights issues, it certainly is an introduction to the conversations that need to begin. I know that there will be honest differences of opinion on how to address civil rights issues, but I am confident we will be able to transcend those differences to make Colorado a better place for all people. This is consistent with my Colorado Promise to make Colorado a better place for not only our children, but for our children, children.

I invite you to join me and the Colorado Civil Rights Commission and Division as we continue the efforts to eradicate racism, discrimination, and inequalities that not only cost our state millions economically and socially, but also prevent us from leading Colorado forward.

Sincerely,

Bil Rott Jr.



Chair
Colorado Civil Rights
Commission

Greetings from the Colorado Civil Rights Commission,

I am proud to represent the Colorado Civil Rights Commission, a bi-partisan commission of seven volunteers, appointed by the Governor and confirmed by the Senate to formulate civil rights policy, hear appeals, and bring enforcement actions of discrimination across the state.

As I begin my second four-year term on the Commission, and conclude my first year as chair, I can honestly say this has been the most rewarding way I can give back to my community of Pueblo and to all of Colorado.

While this report demonstrates the long road we must travel together to establish equal rights for all, it is an honest snapshot of what we hear on a regular basis at the Commission. I invite you to consider the Civil Rights Commission and Division partners in improving civil rights for all in Colorado.

Sincerely,

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EXECUTIVE SUMMARY

The Colorado Civil Rights Division, which is a complaint-driven agency, as is the department where it is housed – the Department of Regulatory Agencies - saw an increase of nearly 14 percent in discrimination claims filed this past year, and 21 percent more than two years ago. The growth in complaints can be attributed to a number of factors, including the fact that our minority population is growing 60 percent faster than whites in Colorado, now making up 28.6 percent of the population. Some growth is also attributed to additional protections for sexual orientation over the last several years. However, when statistics show growth in claims in nearly every protected class, such as age, sex, disability status, religion, race or retaliation, it begs the question, "Why is discrimination or unequal treatment becoming a bigger problem in our state?"

The Colorado Civil Rights Division has also issued a higher percentage of determinations in favor of complainants this past year – called probable cause findings – totaling 8.2 percent of the charges filed last year. This compares to 4.6 percent or less probable cause findings issued in other comparable states or by the United States Equal Employment Opportunity Commission (EEOC), and less than one percent of the claims filed with the U.S. Department of Housing and Urban Development (HUD).

The Colorado Civil Rights Division, with its current staff of 24 and a diminishing annual budget of less than \$2 million, investigates individual claims of discrimination on a daily basis. In order to protect the parties' privacy in these claims, we cannot disclose details about cases, but we do share general trends and the nature of cases in this report. The Division's jurisdiction is limited to investigating claims concerning discrimination in employment, housing, and public accommodations,

but state law also authorizes the intervention by the Colorado Civil Rights Commission in intergroup tensions or conflicts between groups. The Division is supported by work-sharing agreements with HUD and the EEOC to avoid duplication of effort in those cases where joint jurisdiction (state and federal) exists. The Division also assists parties in settling their claims to resolve complaints and cut costs to the parties and taxpayers. Last year, these efforts yielded approximately \$1.4 million in settlements to consumers.

The Colorado Civil Rights Division is the investigative arm of the Colorado Civil Rights Commission, a seven-member, bipartisan commission appointed by the Governor. The Colorado Civil Rights Commission formulates policy, hears appeals, and brings enforcement actions of discrimination in Colorado.

Discrimination, in the form of denying or limiting employment, housing, education or access to public places, imposes countless economic and social burdens on its victims and on society as a whole. Consider the cascade of negative effects that employment discrimination causes. Earnings are likely declining and career

Protected Classes in Colorado Housing, Employment, Public Accommodations

Age (40 thru 69) (employment only)

Ancestry

Creed

Color Disability

Familial (family) status (housing only)

Marital status (not in employment)

Marriage to Co-worker (employment only)

National Origin

Race

Religion (not in public accommodation)

Sex

Sexual Orientation

Retaliation

paths suffer, leading to increased poverty. The negative consequences of poverty on education, health, crime, stable housing, foreclosures and the overall economy must be factored in when considering the systemic costs of discrimination for Colorado. The tangible economic impact in terms of lost wages, litigation, healthcare, investigations, and loss of home values are quantifiable, but the qualitative social and lost opportunity costs, such as self worth, employee morale, educational opportunity and lost job advancement are much harder to quantify.

Historically, minorities and women have lacked equal opportunity in the United States to accumulate wealth through home ownership and then pass it on to descendants, which continues to negatively impact minorities today. This is evident when you look at Colorado's foreclosure statistics by race or ethnic origin. While Colorado's overall foreclosure rate is improving, Colorado still ranks in the top ten states regarding foreclosures, and bankruptcies are reportedly 25 percent higher than a year ago. Coloradans face daily the consequences of losing their homes because they are unable to afford high interest rate adjustable mortgages that have reset or become due. However, if you are African-American or Hispanic in Colorado, studies by the Colorado Civil Rights Division show that you are at least two and a half times more likely to receive a high interest rate loan, since minority groups have often been steered by lenders to loan products that have interest rates higher than Anglo borrowers, despite level of income.



In Boulder, that statistic increases to three and a half times if you are Hispanic, even if you earn more than \$100,000 per year. The City and County of Denver's Office of Economic Development published a foreclosure report for Denver using independent data that tracks areas of high foreclosure rates in Denver. They mesh very closely with the Division's data that proved minorities received high interest rate loans at a much higher rate than Anglo borrowers.

Other data demonstrating the continued disparate accumulation of wealth between races or gender are Colorado's unemployment rates and educational achievement gaps. While Colorado's economy seems to be rebounding more quickly than other states, Colorado experienced an unemployment rate above seven percent this year. Although seven percent is high for Colorado, unemployment rate trends suggest that you might experience double that rate if you are Hispanic and three times that rate if you are African-American. Also, according to a 2004 Census report, women were only reported to receive 68% of the salary that men received for the same work.

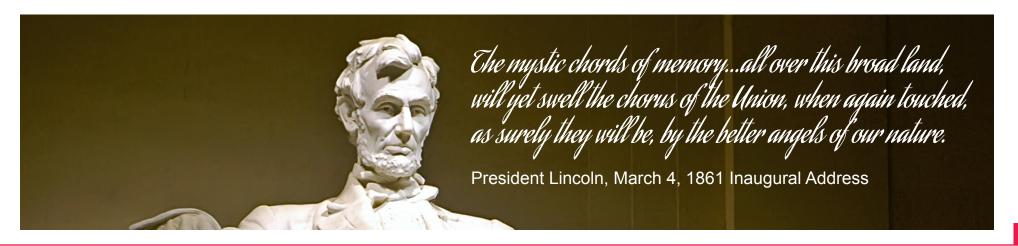
While education leaders are working to close the achievement gap, our K-12 minority students are still 20 to 30 percent below white students in reading and math scores, and similar gaps are reflected in graduation rates. This is especially troubling when you consider the fact that fewer than 50 percent of students are graduating from many school districts. Colorado also has among the worst records in the nation for recruiting minority students to our colleges and universities.

Inequalities have also been reported to the Civil Rights Division in public forums around the state alleging abusive treatment by law enforcement officials, denial of access to public places, lack of accommodations for those with disabilities, and discrimination or hate crimes against those of the gay, lesbian, bisexual and transgender community.

While enforcement is the Civil Rights Division's primary purpose, preventative measures are also a valued component of the Division's work. Free trainings throughout the state are provided to groups and information is disseminated widely to educate and inform employers, housing providers, places of public accommodation and the consumers of Colorado about anti-discrimination laws and related issues. The Division also partners with public and private organizations with similar missions in conducting educational and outreach programs to eliminate intergroup tensions.

The Division and Commission have historically relied on consumers' complaints or claims to spark investigations. Legislation resulting from the recent sunset review, however, expanded the Civil Rights Commission's authority to undertake Commission-initiated investigations.

We value sharing the information about the nature of the complaints we receive without violating confidentiality requirements applicable to these investigations. We are proud to present this report on the state of civil rights in Colorado and hope this information will help foster conversations and encourage appropriate action on how to eradicate discrimination in our state and promote equality for all people. We must open the doors of equal opportunity for all and create a better Colorado now and for future generations. To do so, we need to start with an honest assessment of some of the civil rights issues in our state today, and we hope this report serves that purpose.



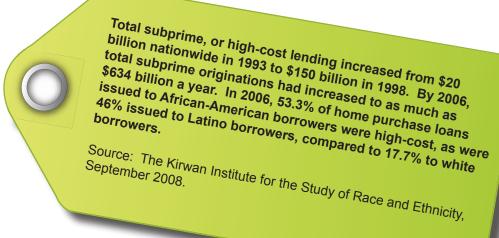
2008-2009 POLICY HIGHLIGHTS

Discriminatory Predatory Lending Prevalent in Colorado

After inheriting her father's home, a Hispanic woman in Pueblo contacted a mortgage broker to apply for a home improvement loan. When she closed on a very high interest rate loan, the mortgage broker fraudulently required her to pay an additional \$2,300. When the loan was too much for her to maintain and she was facing foreclosure, she attended a community predatory lending outreach event hosted by the Civil Rights Division and one of its outreach partners, the Pueblo Human Relations Commission. From this forum, she was put in contact with a local non-profit housing counseling agency that was able to work with the lender to reduce her interest rate, getting her on track with her mortgage payments, and avoid foreclosure.

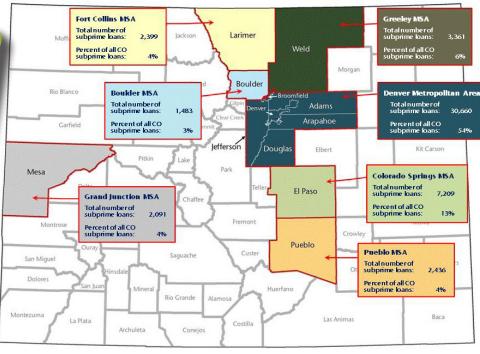
A Study of 2006 Mortgage Loans - Predatory Discriminatory Lending Grant

The Colorado Civil Rights Division was awarded a grant from the U.S. Department of Housing and Urban Development (HUD) and examined 260,000 mortgage loan origination documents in Colorado for the year 2006 to address possible discriminatory predatory lending practices in the state of Colorado. The grant activities included research, outreach and education, and enforcement activities. The Division, in conjunction with BBC Research, the University of Colorado and multiple outreach partners, researched the issue of discriminatory predatory lending practices in Colorado through the examination of mortgage loan application data and interviews with housing counselors and distressed homebuyers. The study showed that Hispanic and African American borrowers were more than twice as likely to obtain subprime loans in comparison to white borrowers, despite household income.



Average Foreclosure Rate in Denver of tracts with extremely high foreclosure rate (4.1%-5.7%) for 2000-2007

Whites – 10% American Indian – 2% Asian – 2% African American – 29% Hispanic – 57% Sub-Prime Lending by Geographic Proximity of Minority Neighborhoods 2006



BBC Research & Consulting and Home Mortgage Disclosure Act Data, 2006

Predatory Lending Outreach to Communities Affected – A Vital Component of the Research Grant

Without the help of community organizations, the Division of Civil Rights would have not been able to break through the trust barrier of reaching homeowners in the affected communities. The outreach partners distributed thousands of fliers and other information regarding predatory lending. They also held dozens of meetings and focus groups with community members and personally dealt with hundreds of potential victims of discriminatory predatory lending. Outreach efforts were particularly challenging since consumers were hesitant to discuss their financial situation with strangers. In addition, cultural and language barriers existed. Furthermore, many individuals were in desperate need of financial assistance to avoid foreclosure of their homes and did not want to file discrimination complaints.

Observations from the Division's Outreach Partners

- "The biggest finding was that many of the foreclosures and potential foreclosures are quite addressable and preventable...education and outreach is essential. We need to get the resources that government and industry possess to the people whose lives hang in the balance." Financial Education and Economic Transformation Center (FEET)
- "Federal, state, and local government agencies, along with local non-profit organizations, must work together to help enact laws and programs that will safeguard housing buyers from discriminatory and predatory lending practices." Latin American Research & Service Agency (LARASA)
- "After meeting with families that are losing their homes, and sitting with families who break down and cry in shame and despair, we have seen the need for assistance and continued education about financial wealth, and in particular, mortgage products and the mortgage lending process." City of Longmont Office of Community and Neighborhood Resources
- •"Your home is your castle. It's the most important and biggest single investment most families will ever make. Losing this investment is devastating."

 Pueblo Human Relations Commission

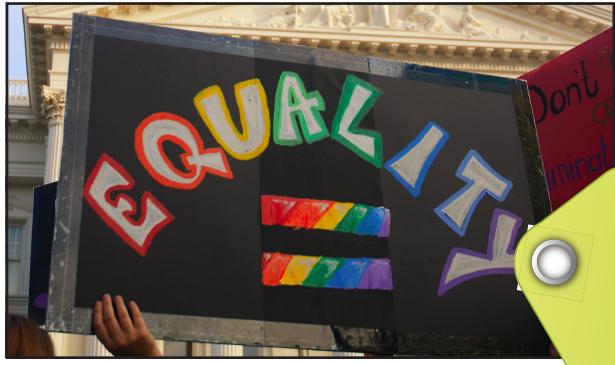
Enforcement Actions

The Colorado Civil Rights Division took enforcement action in several cases involving discriminatory predatory lending this past year. Several families in Greeley were subjected to discriminatory financing, targeted marketing, and discriminatory terms and conditions in housing on the basis of their national origin (Hispanic). These families were drawn to a new housing development through traditional advertising in Spanish media, and by individuals in the Hispanic community who were paid to bring in potential buyers. The Division of Civil Rights investigated their complaints and found that the families were fraudulently sold loans and were made unfounded promises as to homes and terms of the loans. The families faced foreclosure and bankruptcy. The Division's investigation into these complaints found that the builders, developers, mortgage brokers, and lenders engaged in discriminatory practices. Through enforcement action, the Commission and Division obtained settlements for the families, and more cases are currently under investigation. The Civil Rights Division and Commission will continue to crack down on discriminatory predatory lending cases.



New Protected Class - Sexual Orientation

Governor Ritter signed Senate Bill 07-025, which became effective on August 3, 2007, expanding Colorado's Anti-discrimination Law to include sexual orientation, including transgender status, as a protected class in employment. On May 29, 2008, Senate Bill 08-200 further amended the law to prohibit such discrimination in housing and public accommodations. It is now illegal to discriminate in Colorado against individuals because they are straight, gay, lesbian, bisexual, or transgender, (GLBT) or because of the perception of their sexual orientation or transgender status, in all areas enforced by the Colorado Civil Rights Division and Colorado Civil Rights Commission.



The median jury award in employment discrimination cases between 1994-2000 was

Source: Jury Verdict Research-Horsham, Pa

EXAMPLES OF COLORADO CASES

- Management tells a lesbian employee that the small rainbow flag magnet and pictures of her female life partner that she had in her cubicle were an "inappropriate expression of sexual orientation."
- A manager of an apartment building tells a gay male couple who reside in the building, "I don't allow gay people here! I'm kicking you out!"
- A transgender high school student is threatened with being sent home from school if the student wears a dress to school.

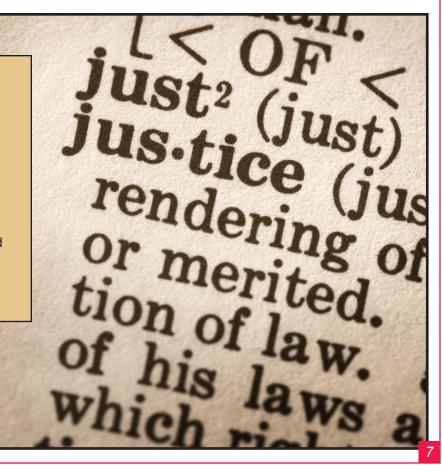
Other Related Laws Affecting the GLBT Community

- Hate Crimes. Colorado's "Bias-Motivated Crimes" Statute, C.R.S. §18-9-121, covers crimes committed with the intent to intimidate or harass another person because of sexual orientation or transgender status. (1995)
- Second Parent Adoptions. Colorado's Second Parent Adoption Law, (C.R.S. §19-5-203), grants same sex partners and unmarried couples the legal right to adopt one another's children. (2007)
- Designated Beneficiaries. The Colorado Designated Beneficiary Agreement Act, C.R.S. §15-22-101 et seq., gives same sex couples the legal right to enter into designated beneficiary agreements, which may include rights such as inheritance protection, life insurance benefits, health benefits, wrongful death, workers' compensation, hospital and nursing home visitation and medical decision-making that otherwise would only be available to legally-married couples. (2009)
- Other Anti-discrimination Laws. Senate Bill 08-200 amended other provisions of Colorado law, not directly enforced or regulated by the Colorado Civil Rights Division and Colorado Civil Rights Commission. It is now illegal to discriminate based upon sexual orientation and transgender status in the following areas regulated by Colorado law: consumer credit transactions, membership in labor organizations, automobile insurance policies, attorney licensure, tax deductions for private clubs, cemeteries & funerals, private occupational schools, jury service, charter schools, public schools (K12), school district personnel policies, leasing at certain state facilities of higher education, family planning services, county merit systems, managed care plans (HMOs), participation in the Children's Basic Health Plan (CHIP), low income housing facility loans, tax exemptions for private club membership expenses, and the state personnel system.

Colorado Civil Rights Commission Passes Rules to End "Bathroom Bill" Controversy

Commission Rule 81.11 — Gender-Segregated Facilities

- (A) Nothing in the Act prohibits segregation of facilities on the basis of gender.
- (B) All covered entities shall allow individuals the use of gender-segregated facilities that are consistent with their gender identity. Gender-segregated facilities include, but are not limited to, restrooms, locker rooms, dressing rooms, and dormitories.
- (C) In gender-segregated facilities, where undressing in the presence of others occurs, covered entities shall make reasonable accommodations to allow access consistent with an individual's gender identity.



The Division hosted a series of open microphone community forums around the state starting with the opening of its Western Regional Office in Grand Junction in July 2008 ending up in Pueblo nearly 1½ years later. The forums are intended to learn directly from members of the community rather than assuming that the Division can be fully aware of the major areas of concern in all pockets of our state. Some common themes that we heard across the state alleged: unfair law enforcement treatment, racial profiling, unfair hiring practices of contract laborers, and personal, heart-wrenching stories of bias and discrimination in its worst forms. Division Director Steven Chavez facilitated the discussions at each forum and took the opportunity to share the Division's work in discriminatory predatory lending, implementing the new laws protecting the GLBT community, and handling an increased caseload with diminishing resources.

Civil Rights Regional Office Opening Forum – Grand Junction, July 31, 2008

- "The people of Latino ancestry in Grand Junction are concerned because they believe they are being profiled by the State Patrol for immigration purposes."
- •"Is the Division looking at equal pay for women?"
- "Migrant workers are receiving disparate treatment."

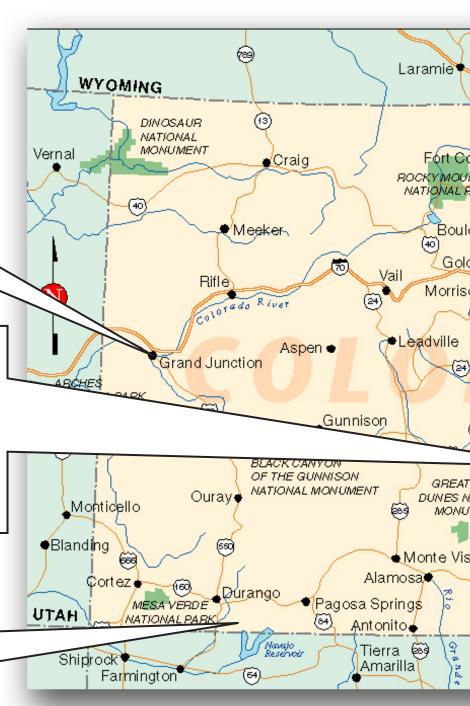
Civil Rights Forum - Pueblo, November 12, 2009

- •The Justice League shared a story of a Pueblo jail inmate who said that "they [the Pueblo Sheriff's officers] took his wheelchair away, and he was crawling around on his hands and knees."
- •"The Pueblo police department requires a 4 year degree, yet 45% of Hispanic kids do not graduate [from high school]. It is up to the City Council and to the Commissioners to do something. There is discrimination in Pueblo."
- •"There are 131,000 homeless vets. In Pueblo many vets are living in poverty . . . The Veterans Affairs Board should come to Pueblo to see the 20,000 to 25,000 vets who are here."

Civil Rights Forum – Ignacio, August 19, 2009

•"Native Americans are an afterthought. We don't want to be afterthoughts. The Tribe needs to form its own Human Relations Commission and host its own Forum."

CIVIL RIGHTS DIVISION EMBA



ARKS ON A LISTENING TOUR

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Fort Morgan

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Civil Rights Forum - Greeley, June 23, 2009

•"Somalis are treated even worse than Latinos. Muslim workers are not allowed to practice their religion the way they should. If they ask for a 5 minute break, it is allowed. If they use those 5 minutes to pray, it is not allowed...they are disciplined and fired. New arrivals think they will have freedom of religion, but it is not the case."

•"New immigrants have issues at the drivers license bureaus when they ask for additional documentation than what is required by law or expected for others."

Civil Rights Forum - Fort Collins - November 5, 2009

- "CSU student healthcare providers do not provide certain medical services based on a student's sexual orientation."
- "The Human Relations Commission asked City Council to declare Fort Collins a 'Hate-Free Zone' despite the City's concerns over constitutional (first amendment) quarantees."
- "Fliers with anti-minority and anti-immigrant sentiments were placed on windshields of cars in various Fort Collins neighborhoods."
- "Discrimination still exists sometimes in a very subtle form."

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Civil Rights Forum – West Denver – July 30, 2009

- "My son is biracial and he continually has been harassed by police. This is what happens in the community every day."
- •"I have friends who are Latinos, and in nightclubs, where there is Spanish music playing, the police come and they find something wrong. At the end of the night, kids are being sent to hospitals after being brutalized."
- •"A Hispanic contractor representing his familyowned business, who has been in the contracting business since laying wire for lighting Eisenhower Tunnel, has never used their minority status to get work, but were discouraged about the amount of contracts from ARRA (Recovery Act) funds going to minorities."

Civil Rights Forum – Five Points – Central Denver – July 27, 2009

- •"I would like to see the Civil Rights Division get involved with police brutality and racial profiling. We need someone to stand with us. We want the Division to get involved with our community."
- •"The discussion of racial profiling is boring in our community at this point. It happens so frequently."
- "People who are afraid for their jobs are afraid to go to agencies or even protected group meetings. They are afraid of retaliation."
- •"We need to understand racism is alive and well in this country. It's institutionalized...We somehow got rocked to sleep and we didn't believe this was happening."
- •"This is not a black people-only forum. We need to hear everyone's concerns. We should hear about the GLBT issues. This is a community forum."

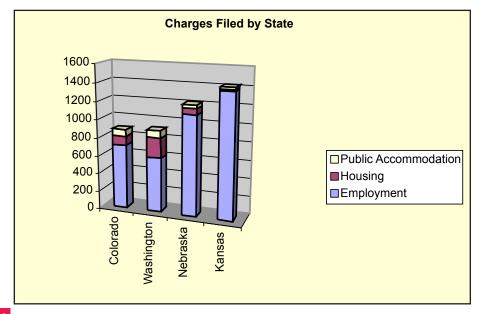
COLORADO COMPARED WITH OTHER STATES AND THE NATION

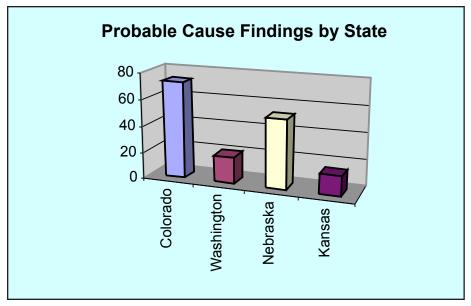
When comparing some statistics of states similar to Colorado in size and urbanization (below), several trends emerge. One is that the number of charges filed does not necessarily correlate with population size. For instance, Nebraska's population is lower than Colorado's and yet the number of charges filed is disproportionately higher. However, it is important to note that the Civil Rights Division's probable cause findings, or findings in favor of the complainant, is higher than the national average or these comparable states.

Comparison of Colorado to Other State and Federal Agencies									
Colorado Washington Nebraska Arizona Kansas EEOC HUD									
Population (2008 est.)	4,939,457	6,549,224	1,783,432	6,500,180	2,802,134	304,059,724	304,059,724		
Total Charges Filed	887	910	1,214	1,548	1,419	95,402	10,154		
Employment	712	608	1,111	Unknown	1,375	95,402	N/A		
Housing	103	220	66	Unknown	17	N/A	10,154		
Public Accommodation	72	82	37	Unknown	27	N/A	N/A		
Probable Cause (PC) Findings	73	20	52	24	15	3,693	26		
Percentage of PC's to Total Charges	8.20%	1.94%	4.04%	2.50%	1.80%	4.60%	0.25%		
Lawsuits/Public Hearings	19	6	4	25	7	290	2		
Settlement Total	\$1,454,222	\$357,133	\$912,209	\$456,000	\$685,601	\$274,400,000	Unknown		

	Charges Filed with Colorado Civil Rights Division							
	Employment Housing Public Total Charges Accommodations Filed							
FY06-07	593	85	55	733				
FY07-08	635	96	48	779				
FY08-09	712	103	72	887				

Probable Cause Findings by Colorado Civil Rights Division						
FY06-07 FY07-08 FY08-09						
Employment	58	60	63			
Housing	3	6	7			
Public Accommodation	2	2	3			
Total Cases	63	68	73			





COLORADO CIVIL RIGHTS CASE STATISTICS

The Division of Civil Rights offers alternative dispute resolution as a time and cost savings alternative to litigation. Prior to the initiation of an alleged discrimination investigation, the Division provides the parties the opportunity to participate in a voluntary mediation. This is an informal meeting held between both parties, with hopes of resolving the claim prior to an investigation or litigation. Mandatory mediation is required when probable cause is found in a case. The mediation may result in a settlement agreement.

Examples of Colorado Cases

A cashier of a large retail outlet with limited ability to stand for long periods is denied a minor accommodation to sit at a stool while on duty at the cash register.

An experienced older waitress at a restaurant is terminated when management advertises for younger waitresses for hire.

A person in a wheelchair on his way home late at night is told by a taxi company that they don't transport people in wheelchairs.

Job-bias cases surge in Colorado, feds say

(EEOC in Colorado shows rapid growth in employment discrimination)

"Workplace-bias cases in Colorado grew at nearly triple the national rate over the past five years, according to statistics compiled by the federal Equal Employment Opportunity Commission. While claims of racial, gender, age or disability discrimination grew 17 percent across the United States since 2003, the caseload in Colorado grew 46 percent, the commission said. Rapid growth here included higher-than-average jumps in claims based on race, sex and retaliation for protesting bias."

Source: Michael Booth, The Denver Post, 3/16/2009

Charges by County FY08-09							
			Public				
County *	Employment	Housing	Accommodation	Total			
Adams	52	12	3	67			
Alamosa	4	0	0	4			
Arapahoe	93	13	11	117			
Baca	1	0	0	1			
Boulder	28	4	2	34			
Broomfield	9	2	1	12			
Chaffee	1	1	0	2			
Clear Creek	1	0	0	1			
Conejos	2	0	0	2			
Crowley	0	1	0	1			
Custer	0	1	0	1			
Delta	5	0	0	5			
Denver	161	20	37	220			
Douglas	22	4	2	28			
Eagle	5	1	0	6			
El Paso	81	8	5	94			
Elbert	1	0	0	1			
Fremont	10	2	0	12			
Garfield	5	2	0	7			
Grand	4	0	0	4			
Gunnison	1	0	0	1			
Huerfano	2	0	0	2			
Jefferson	46	17	2	61			
Kit Carson	2	0	0	2			
La Plata	3	2	1	6			
Larimer	29	4	0	33			
Las Animas	5	0	0	5			
Logan	4	0	0	4			
Mesa	25	2	1	28			
Montezuma	3	0	0	3			
Montrose	2	1	1	4			
Morgan	10	0	0	10			
Ouray	0	0	1	1			
Otero	0	1	0	1			
Phillips	1	0	0	1			
Pitkin	1	0	0	1			
Prowers	2	0	0	2			
Pueblo	31	1	1	33			
Rio Blanco	1	0	0	1			
Rio Grande	2	0	0	2			
Routt	2	0	0	2			
San Miguel	+			2			
	1	1	0	-			
Summit	2	0	0	2			
Teller	2	0	0	2			
Weld	34	3	2	39			
Yuma	3	0	0	3			

Out-of-state

Basis of Charges Filed in Colorado							
Basis *	FY06-07	FY07-08	FY08-09				
Age (40-69)	152	110	177				
Color	80	89	122				
Creed/Religion	27	26	57				
Disability	173	189	267				
Familial Status (housing)	8	8	16				
Marriage to Co-worker (employ)	7	7	6				
Marital Status (housing, PA)	3	3	4				
National Origin/Ancestry	142	115	168				
Race	133	154	205				
Retaliation	208	170	305				
Sex	235	197	299				
Sex: Pregnancy	35	30	39				
Sexual Orientation	n/a	23	42				
Other	3	0	6				
* May be more than one basis per case							

^{*} May be more than one basis per case

Alternative Dispute Resolution in Colorado							
	Mediations Held	Total Settlements	\$ Value of Settlements				
FY06-07	135	81	\$791,240				
FY07-08	131	59	\$1,336,645				
FY08-09	184	109	\$1,454,222				

COST OF LITIGATION & SETTLEMENTS

Average settlement at the Division is \$13,000. Total settlements at the Division of Civil Rights in 2008-09:

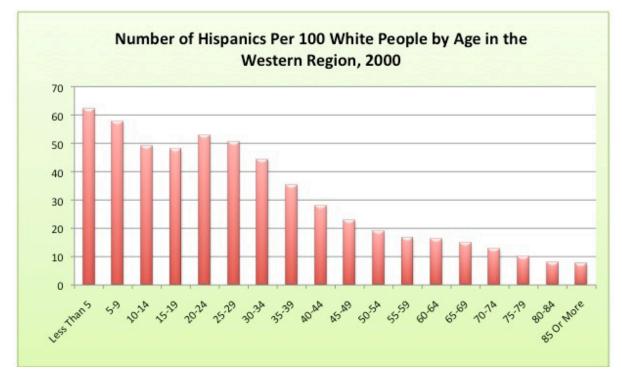
\$1,454,222

17

DEMOGRAPHIC TRENDS - COLORADO WILL BECOME EVEN MORE DIVERSE

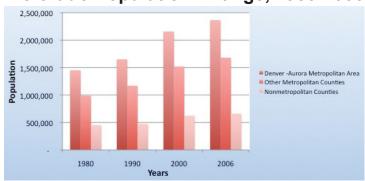
Growing Minority Population

Minority populations are growing at a much faster rate than whites in our state. For instance, the City and County of Denver reported that from 1990-2000, the overall minority population grew an overall 60.4 percent faster than the white population. Since the majority of Colorado's civil rights claims are filed based on race or color now, by maintaining the status quo, claims could more than double in the future. Now is our opportunity to work together to create solutions and make a conscious effort to change behaviors.



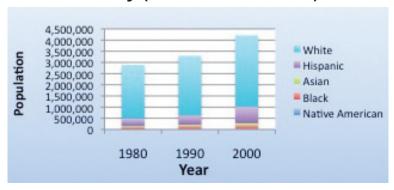
Western Region consists of the following states: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Nevada, New Mexico, Montana, Oregon, Utah, Washington, Wyoming

Colorado Population Change, 1980-2006



Colorado (2008 est): 4,939,456 Minority Statistics: approx 28.6%

State of Colorado Population by Race/Ethnicity (latest Census data)



Source of charts: Western Rural Development Center

MORE CIVIL RIGHTS DISPARITIES EXPECTED IN COMMISSION'S FUTURE

While the Civil Rights Commission's and Division's enforcement jurisdiction lies in housing, employment and public accommodations, we hear of the many inequalities in other areas that continue to persist in our state. Disparate educational opportunities in both K-12 and higher education correlate directly to lack of access to gainful employment and housing, so these matters may eventually fall within our jurisdiction.

The following information is intended to provide an indication of what might be the most severe problem disparities reported. We endeavor to identify a place to start the conversations that may empower entire communities to use their leverage to help craft solutions to these problems.

Achievement Gap

Arguably the most troubling inequality in Colorado is one that is affecting our children and future leaders of this state. The achievement gap between races has been discussed for years among numerous community groups. media outlets, politicians, educators, and governmental organizations, yet progress is relatively stagnant. High drop-out rates plague our schools, especially among minorities. The Colorado Civil Rights Commission has been involved in studying this issue. However, no definitive study has determined the impact racism may have on the quality of education our minority students receive. The strength of Colorado's future economy is dependent on having a well-educated, diverse workforce. Boulder County, an affluent, predominantly white school district, struggles with an achievement gap as well. The following statistics demonstrate just how far we still need to go.

Class of 2009 Colorado High School Graduation Statistics

Female – 78% Asian – 85.7% Black – 64.3% Native Am – 55.9% Male – 71.4% White – 82.3% Hispanic – 57.8% Total Graduation Rate – 74.6%

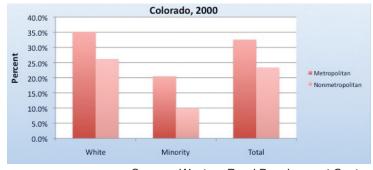
Source: Colorado Dept. of Education

	Partial	ly-profi	cient or	better:				
	Doodin	State	Boulde	er County	N A makin			
!	Readin	83% 78% 63% 61% 54%	88% 86% 70% 68% 42%	White Asian-American American Indian African-American Latinos	Math 80 80 57 52 50	% '% !%	80% 75% 54% 33% 47%	Asian-American White American Indian Latino African-American
	Writing	65% 61% 39% 37% 33%	76% 77% 52% 51% 31%	White Asian-American American Indian African-American Latinos	Science 58 53 32 24 21	3% 2% -%	72% 71% 41% 39% 24%	White Asian-American American Indian African-American Latino

Diversity in Universities

No other state in the nation has a worse record than Colorado on recruiting minority students. The latest Census data reflects that minorities lag 35.8% behind white enrollment, with the national average being 19.3%. In a review of four-year universities in the state, namely CU-Boulder, CSU, UNC Greeley, DU and Colorado College, it seems that CSU recruits the least amount of minority students at 13.3%, and faculty at 12.5%. (Source: CSU Facts at a Glance 2008-9) While the university with the most diversity of students is Colorado College, with 17.3% minority students (Source: Colorado College website.) and DU, with 20.8% of faculty being from an ethnic or racial minority. (Source: DU Admissions Website: "DU by the Numbers")

Percent of Adults with a College Degree by Race/Ethnicity in Metropolitian and Nonmetropolitan Counties in Colorado, 2000 (Latest Census Data)



Source: Western Rural Development Center

Healthcare Disparities

As the health insurance debate continues at the national level, are we losing sight of disparities at home? "Gender rating" – or sexual discrimination – is evident with women under 50 paying up to 50% more in health premiums than men. "Women should not be penalized because their plumbing works differently and need ongoing maintenance," said Colorado's Insurance Commissioner Marcy Morisson.

25-yr. old women – pay 10-56% more in premiums than men 40-yr. old women – pay 15-59% more in premiums than men

Source: National Women's Law Center, Denver Post

People of color also have reported to the Division that they receive substandard health care compared to white citizens. Minority residents have complained that their health concerns are not taken seriously and that they cannot afford quality health insurance.

Colorado Non-Elderly (0-64) Uninsured: 18.5% Colorado Non-Elderly Hispanic Uninsured: 36%

Hispanic Proportion of Total Non-Elderly Uninsured: 41.4%

Source: NLR - National Council of La Raza - Colorado State Fact Sheet

Poverty

The Colorado Children's Campaign poverty study alarmed us with the statistic that Colorado experienced the nation's largest rate of growth in impoverished children from 2000 to 2006. The most recent Census data shows that 180,000 children — 15.7 percent of the state total — were living in poverty in Colorado in 2006, a 73 percent increase since 2000. Contributing factors include: growing single-parent households, shortage of jobs for lower wage workers, low rate of high school graduation, and shifting demographics of Colorado's population. Costilla County reports the state's worst poverty levels of any county.

2008 Poverty Rate for Colorado White – 10% Black – 22% American Indian – 17.5% Asian – 8.0% Hispanic – 23.5%

Source: Colorado Fiscal Policy Institute based on US Census

Disparity in Healthcare

Personal Experience Shared by Civil Rights Commission Chair Eva Muñiz Valdez

"Being in the nursing profession for 38 years has revealed to me that we still have much work to do to remove healthcare disparities in our system. Most do not realize the poorer care received by racial and/or ethnic populations. While some progress has been made in addressing this issue, we still must work to ensure that all of our populations receive standard health care. One example of this is the need to expect our health care facilities to have cultural and linguistics departments and policies that formalize the commitment to providing equal care to all patients. A lack of diversity in administrative leadership and budgets are often cited as barriers. How can our providers provide care if they are unable to communicate with the patient? Unfortunately, I have personally observed the lack of attention patients receive if the system cannot provide an interpreter. Facilities receiving federal funds are expected to provide interpreters, however this service is not often realized by the patient."

Police Brutality / Racial Profiling

Police brutality and racial profiling were reoccurring themes at the civil rights forums held around the state. Minority and GLBT citizens from Denver complained to the Division that they have been harassed and beaten by Denver Police Department officers without justification. Several mentally ill residents complained that they were denied access to medical attention and their medications while being detained at the Denver County Jail. Native American members of the Ute Southern Ute Tribe complained that they were harassed by the FBI and DEA in the Four Corners area. Anglos also reported that they have observed minority members being beaten by the police. The Civil Rights Division is reaching out to law enforcement agencies and the community to mitigate potential issues.

Unemployment Rate / Wage Gap

Total Unemployment Rate in Colorado (2008): 4.8%

- Women: 4.3% - White: 4.6% - Black: 12.0% - Hispanic: 6.8%

Source: U.S. Dept of Labor, Bureau of Labor Statistics, 2008

Total Unemployment Rate in Colorado (2009): 7%

Source: Colorado Dept. of Labor & Employment

Median Annual Earnings by Race and Gender, 2009

White Women \$34,725, White Men \$44,580, Total White

\$39,522

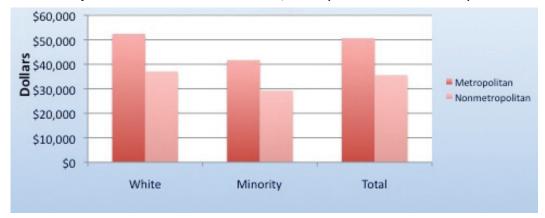
Latino Women \$26,591, Latino Men \$30,085, Total Latino \$28,416

Black Women \$29,146, Black Men \$31,023, Total Black

\$30,085

Source: Current Population Survey, Bureau of Labor Statistics, 2009

Median Household Income by Race / Ethnicity in Metropolitian and Nonmetropolitan Counties in Colorado, 2000 (Latest Census Data)



Source: Western Rural Development Center

Immigration

Immigration reform and enforcement of immigration laws has been hotly debated in Colorado. Immigrants have reported frequently to the Division that they believe an anti-Latino climate exists in Colorado. Immigrants, both legal and undocumented, have reported to the Division that they are afraid to file discrimination claims with the Division out of fear that we will report them to immigration officials. As a result, many discrimination complaints are not filed, even though our jurisdiction allows us to consider all discrimination claims, regardless of citizenship. Weld County is the area the Division hears from most about immigration concerns.

Incarceration

The Denver Ministerial Alliance has expressed concerns to the Division that minority residents receive much harsher sentences than white residents for the same crimes.

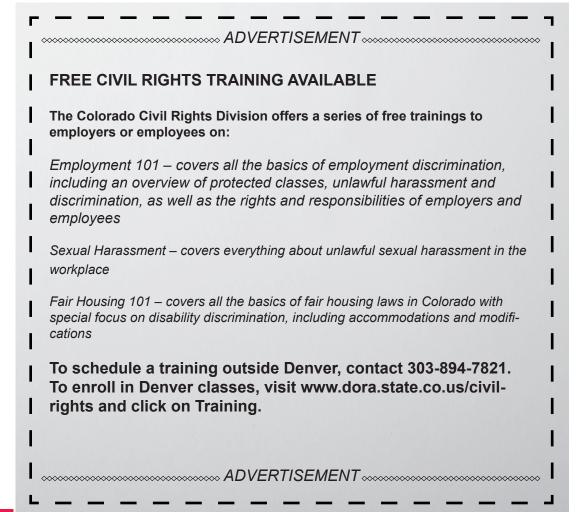
Recovery Funds / Contracts

Minorities have reported to the Division the perception that parity does not exist in the distribution of economic stimulus funds. They believe minority contractors and minority construction trades people are not being employed on construction projects in adequate numbers.

OUTREACH HIGHLIGHTS

In the last year, the Civil Rights Division partnered with numerous organizations to carry out its outreach and education program, including the Colorado Workforce Centers, the City & County of Denver, Adams County, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Housing and Urban Development, various bar associations, school districts and non-profit organizations. Outreach and training was held in Denver, Cañon City, Fort Collins, Colorado Springs, Steamboat Springs, Pueblo, Granby, Longmont, Greeley, Ignacio, Cortez, Durango, Boulder and Grand Junction focusing on Colorado anti-discrimination law concerning employment, fair housing and public accommodation.

The Civil Rights Division also initiated a partnership with other state agencies to address the needs of consumers in regards to fair housing, called the Colorado Housing Outreach Partners in Education/Enforcement (C-HOPE). C-HOPE was created to educate consumers about their rights in relation to homeownership. DORA's Divisions of Real Estate and Financial Services, DOLA's Division of Housing, and the Attorney General's Office were all partners in this mission and continue to develop and participate in outreach events around the State.



Colorado Civil Rights Division

Training/Outreach by Colorado Civil Rights Division							
	Number of Trainings	Number of Outreach Events	Total				
FY07-08	30	23	53				
FY08-09	60	22	82				

PUBLICATIONS/BROCHURES AVAILABLE

Colorado Anti-Discrimination Poster (English)

Colorado Anti-Discrimination Poster (Spanish)

Report: Discriminatory Predatory Lending in Colorado 2009

Employment Discrimination (English)

Employment Discrimination (Spanish)

Housing Discrimination (English)

Housing Discrimination (Spanish)

Predatory Discriminatory Lending (English)

Predatory Discriminatory Lending (Spanish)

These brochures can be obtained on the website at www.dora.state.co.us/civil-rights or by calling the Denver office at (303) 894-2997.

ISSUES ON THE HORIZON – GROWING TRENDS

The data the Colorado Civil Rights Division gathers indicates increased numbers of disability and retaliation claims. Most of the disability claims are housing discrimination complaints filed by consumers who believe they are unlawfully denied access to housing of their choice. Typically, disputes surround allegations that landlords/owners refuse modifications of their properties to accommodate a variety of disabilities.

A retaliation claim can occur when a complainant believes that adverse action is taken against them after they have complained about discriminatory conduct. Retaliatory conduct is unlawful and can form a separate basis for a complaint, even if it is found in a court action that the underlying claim has no merit.

The Division is experiencing more complaints filed recently from women complaining they were fired for becoming pregnant even though their job performance did not suffer. The allegations are that employers are just trying to save health care dollars and did not want to accommodate a woman's absence out of a perceived fear of lost profits. Additionally, according to the Census Bureau (2004), women, on average, earned 68% of what a man earned for the same work. In other words, according to the same report in 2004, the average Colorado male earned \$32,387 and the average Colorado female earned \$22,213. Despite the inconsistent wages between genders, studies show an increasing trend of more married women becoming the head of two parent households.

COMING ATTRACTIONS

The Colorado Civil Rights Division will continue, albeit with limited resources, to provide education and outreach activities. This is very important given data in the Division's recent Sunset Report that far too many consumers do not know of the Division's existence. As a result, they never think to file a complaint with the Division when they believe they have been subjected to unlawful discrimination, and instead seek the assistance of the US EEOC.

The Division's listening tours revealed that many consumers are concerned that they are being discriminated against regarding the ability to fairly compete for public works contracts or being fairly represented in contractors' workforce. The Civil Rights Commission has expressed a great deal of interest in this topic.

The Division and Commission intend to invite constructive dialogue between state and federal law enforcement officials and community leaders regarding racial profiling, police brutality allegations, and immigration enforcement to promote fair enforcement of laws.



HISTORY OF CIVIL RIGH

- 1876 Colorado Constitution was ratified after 100 Black men demanded the right and were able to vote
- 1893 Colorado granted women the right to vote.
- 1895 The Colorado General Assembly passed the Public Accommodations Act prohibiting discrimination on the basis of race or color.
- 1917 Discriminatory advertising was added to the prohibitions contained in the 1895 Public Accommodations Act.
- 1951 The General Assembly passed the Colorado Antidiscrimination Act creating the Fair Employment Practices Division and attached it to the state's Industrial Commission, forerunner of the Colorado Department of Labor and Employment. The Division's mission was to:
 - research and provide education regarding employment discrimination
 - conduct hearings regarding job discrimination cases involving public employers (state, county, city governments).
 - But the fledgling agency was given no compliance or enforcement powers.
- Lawmakers gave the agency independence when they renamed it the Colorado Anti-discrimination Commission, detached it from the Industrial Commission, and gave it enforcement authority over government agencies.
- 1957 The General Assembly repealed an existing statute that prohibited interracial marriage and made the Commission a full-fledged agency when they:
 - added private employers with six or more employees to the Commission's jurisdiction
 - charged the Commission with enforcing the 1895 Public Accommodations Act
- 1959 Colorado passed the nation's first state fair housing law to cover both publicly assisted and privately financed housing and added it to the Commission's jurisdiction
- 1965 The Colorado Legislature renamed the agency the Colorado Civil Rights Commission
- 1969 Sex was added as a protected status under Colorado's fair housing law
- 1973 Marital status was added as a protected status under Colorado's fair housing law
- 1977 Physical disability was added as a protected status under Colorado's anti-discrimination laws
- The Colorado Civil Rights Commission survived its first Sunset Review and was placed under the Department of Regulatory Agencies.

 The legislature also consolidated all of the state's civil rights laws into a single set of statutes and imposed a time limit (180 days) on the agency's jurisdiction
- 1986 The General Assembly amended the state's fair employment statutes to include age (40-70 years) as a protected status
- 1989 A second Sunset Review left the Commission and the Division stronger when legislators amended the statutes as follows:
 - granted the director subpoena power in the investigation of housing cases
 - gave the Commission power to award back pay in employment cases and actual costs of obtaining comparable housing in housing cases
 - added mental disability and marriage to a co-worker as protected classes in employment
 - · required complainants to exhaust administrative remedies before filing a civil action
 - made retaliation for filing or testifying in a discrimination charge illegal
 - · made mediation mandatory after a finding of probable cause

TS LAWS IN COLORADO

- 1990 Legislators amended Colorado's fair housing statutes to meet the federal requirement for "substantial equivalency," as follows:
 - prohibited discrimination based on familial status (families with children under age 18)
 - required builders of new multi-family dwellings to meet seven specific accessibility standards
 - required landlords to make "reasonable accommodation" for persons with disabilities, including permitting disabled tenants to make structural changes at their own expense
 - gave parties to housing discrimination cases the option of having their case decided in a civil action rather than a hearing before an administrative law judge
 - gave courts or the Commission power to assess fines and award actual and compensatory damages in housing cases
 - gave title companies, attorneys, and title insurance agents power to remove illegal covenants based on race or religion
 - made prohibition of any lawful off-premises activity as a condition of employment illegal, but provided sole recourse through civil suits (dubbed the "smoker's rights" bill)
 - · added mental disability as a protected status under Colorado's fair housing law
- 1991 The Legislature gave the Director subpoena power in employment cases, subject to repeal in 1996, unless renewed after a sunset review
- 1992 Legislators fine-tuned the State's fair housing law to meet certain federal equivalency requirements as follows:
 - prohibited "blockbusting" and discriminating in the terms and conditions of real estate loans
 - excluded persons currently involved in illegal use of or addiction to a controlled substance from the definition of mental disability
- 1993 Colorado Civil Rights Division's time limit for processing charges was extended from 180 days to 270 days, with the provision of a 180-day right-to-sue request
- 1999 The third Sunset Review left the agency with two new statutory mandates:
 - gave jurisdiction to the agency for workplace harassment cases without economic loss
 - specific authorization to intervene in intergroup conflicts and offer voluntary dispute resolution services
- 2000 The U.S. Court of Appeals for the 10th Circuit decides in the *Barzanji v. Sealy Mattress Co.* case, initially filed with the Division, which defined "continuing violations" and the date of notification of adverse employment action for filing deadlines
- 2007 The Legislature adds sexual orientation, including transgender status, as a protected class in employment cases
- The Legislature adds sexual orientation, including transgender status, as a protected class in housing and public accommodation claims, but excludes churches and other religious organizations from jurisdiction under the public accommodation statute
- 2009 Colorado Civil Rights Division's fourth legislative Sunset Review left the agency in place with three new statutory mandates:
 - gave jurisdiction to the agency for claims involving terms and conditions of employment
 - · allowed for the Colorado Civil Rights Commission to initiate complaints

extended the Division's subpoena authority

CALL TO ACTION

The information presented in this report is our honest reflection of the magnitude of civil rights issues in Colorado. The information is informed by what we learn from claims filed from around the state and what we hear from our outreach efforts with community members. The Civil Rights Commission and Division will continue to partner with community leaders, elected officials, the regulated community and other governmental entities to advance civil rights in Colorado. We hope the information in this report will foster an honest dialogue about issues that affect everyone in our state. This information will help us chart a course with communities, government entities, businesses and individuals that will improve the economic and social conditions of everyone. We also believe that we must share the responsibility to make living conditions better in Colorado for everyone.

What Can You Do to Combat Discrimination in Colorado?

- ☑ Participate in the conversations, forums, and future planning sessions that will develop solutions for Colorado's civil rights issues ☑ If you have a discrimination claim, file it quickly to increase your chances of meeting deadlines in law in some instances, they must be filed within one year
- ✓ Learn more about the state's jurisdiction and protected classes by attending a training offered by the Civil Rights Division
 ✓ Start a conversation in your neighborhood or organization about the civil rights issues that you struggle with in hopes of reaching consensus on how to address the issues collectively

The Civil Rights Commission is committed to the vigorous enforcement of Colorado's civil rights laws. This is demonstrated by the fact that more cases have been set for hearing than in the recent past. Also, the Commission has new enforcement tools available to it, including the ability to initiate complaints that will be used as needed to implement systemic changes. The Commission anticipates getting more involved in constituent issues and to assist with outreach activities.

We cannot accomplish our mandate of equality without the support of other individuals, groups and institutions. The Civil Rights Division is a complaint-driven agency and is dependent on consumers filing complaints. However, the Division is also charged with helping resolve disputes between groups. We are committed to meeting with people to discuss civil rights issues and to foster workable solutions. We will continue our listening tours to receive input and have follow up meetings with community leaders.

We hope that the information presented in this report helps stimulate many meaningful conversations leading to actionable solutions to combat inequities that continue to plague Colorado now and possibly in the future. We encourage feedback on the contents of this report and welcome the opportunity to do our part in eradicating discrimination and its tremendous cost on our communities.

Sincerely,

Eva Muñiz Valdez

Chair
Colorado Civil Rights Division

Steven Chavez

Dteven Chavey

Director

Colorado Civil Rights Division

"I want you to know that the world will be what you make of it. You can choose to build new bridges instead of building new walls. You can choose to put aside longstanding divisions in pursuit of lasting peace. You can choose to advance a prosperity that is shared by all people and not just the wealthy few."

President Barrack Obama, April 7, 2009



Governor Bill Ritter, 2006



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