

Colorado Civil Rights Commission & Civil Rights Division

Annual Report 2010



Dora
Department of Regulatory Agencies
Colorado Civil Rights Division

John W. Hickenlooper, Governor
Barbara J. Kelley, Executive Director, DORA
Steven Chavez, Director, Colorado Civil Rights Division



*Consumer protection
is our mission*



COLORADO CIVIL RIGHTS COMMISSION COLORADO CIVIL RIGHTS DIVISION

The Colorado Civil Rights Commission is a seven-member, bipartisan, commission which has statutory authority to make rules, set policy, mediate disputes between groups, investigate and study discriminatory practices, hear appeals, and conduct hearings regarding discrimination in Colorado. The Colorado Civil Rights Division conducts investigations on behalf of the Commission.

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Civil Rights Commission

Commissioners	Term Expires	Area Served
Eva Muñoz-Valdez , Chair, Rep. Community at Large	3/13/2013	Pueblo, Southern Colorado
Katina Banks , Vice Chair, Rep. Community at Large	3/13/2015	Denver, Colorado
Susie Velasquez Rep. Local Government	3/13/2015	Greeley, Colorado
Janelle R. Doughty Rep. Community at Large	3/13/2013	Marvel, Southwest Colorado
Raju Jairam Rep. Business Community	3/13/2015	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

Steven Chavez, Director

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Greetings,

As chair of the Colorado Civil Rights Commission, I am pleased to assist in the enforcement of Colorado's civil rights laws. Our task is to work with the Colorado Civil Rights Division to ensure that people living in our state are not subjected to unlawful discrimination. I believe that fair treatment at work, in housing and in places of public accommodation stimulate economic growth which is essential given the state of Colorado's economy. I also believe that disputes should be resolved at the lowest possible level to avoid legal costs and the emotional strain caused by litigation for all parties involved. I know the Division has worked very hard this past year to make the most of its lean resources to investigate cases in the most effective, equitable way possible. I can assure you that our customers are treated with respect and all parties are treated fairly by the Division and the Commission.

This report will provide you with a snapshot of the issues that come to us on a regular basis. The Commission and Director conduct outreach to find out how people in Colorado feel about civil rights in Colorado. This is an important process since part of our mandate is to provide recommendations to the Governor and Legislature. People in Colorado continue to be concerned about police misconduct, unfair predatory housing practices, immigration, racial profiling, unequal wages, and sexual harassment. I believe these issues are amplified by the intense competition for jobs. This report will also summarize the productivity of the Division and various statistics regarding the types of discrimination issues addressed.



Commission Chair
Representing Community at Large

I encourage you to consider participating in the work of the Colorado Civil Rights Commission and Division and invite you to become familiar with the website of the Civil Rights Commission and Division and use it as a resource to provide answers to questions or for research. Please attend our monthly meetings and the planned forums that take place around the State and participate in the advancement of civil rights in Colorado.

Con Respeto,

Eva Muniz-Valdez

COMMISSIONERS



Vice Chair
Representing Community at Large
Commissioner Katina Banks



Representing Local Government
Commissioner Susie Velasquez



Representing Business Community
Commissioner Raju Jairam



Representing Small Business
Commissioner Isaiah "Ike" Kelley



Representing State/Local Government
Commissioner Diann Rice



Representing Community at Large
Commissioner Janelle Doughty

Photograph courtesy of Jeremy Wade Shockley/The Southern Ute Drum

EXECUTIVE SUMMARY

The Colorado Civil Rights Division is an enforcement agency within the Department of Regulatory Agencies (DORA), charged with investigating complaints of discrimination in the areas of employment, housing, and public accommodations. The Division investigates individual charges of discrimination and makes determinations as to whether sufficient evidence exists to support allegations that a violation of the Colorado Civil Rights Act has occurred. The Division is authorized to attempt to resolve allegations of discrimination at the lowest level possible. The Division also engages in numerous education and outreach events to employers, employees, housing providers, and the community at large. Education and outreach is a big priority for the Division from the perspective that educated consumers are good for business in Colorado in that employers will be much less likely to run afoul of civil rights laws and employees will be advised of their rights leading to a more harmonious and productive workplace. The Division is supported by contractual agreements with the U.S. Department of Housing and Urban Development (HUD) and the U.S. Equal Employment Opportunity Commission (EEOC). These agreements allow the Division to conduct investigations on behalf of the federal government when Colorado and the federal government share jurisdiction. This avoids duplication of efforts and a more effective use of resources.

The Civil Rights Division is the investigative arm of the Colorado Civil Rights Commission, a seven-member, bipartisan commission appointed by the Governor. The Commission formulates policy, enacts rules for enforcing the civil rights laws, reviews cases on appeal that have been investigated by the Division, and commences enforcement

proceedings, in the appropriate circumstances, against persons/entities accused of discrimination. Enforcement action is the last option used, since the Commission makes every effort to resolve disputes at the lowest possible level. The Commission also has the independent authority to initiate charges of discrimination in appropriate circumstances. Commission members are selected from across the state, to the extent practicable, to represent business, government, and various groups of persons who are at risk for discrimination. Commissioners are appointed by the Governor and confirmed by the senate to serve four-year terms.

Fiscal Year 2009-2010 was a year of great accomplishments and challenges for the Division. The Division successfully navigated a second round of budget cuts in the Fiscal Year, while continuing to maintain a high level of customer service and efficiency for consumers. The Commission initiated sixteen hearings in the Fiscal Year and continued to host open microphone community forums to identify emerging civil rights issues.

During Fiscal Year 2009-2010, with extremely limited staff, the Division was able to improve service to complainants by reducing the time required to process a civil rights charge. We continued to stretch our resources to improve the enforcement process through quality and timely investigations. The Division has improved its message to consumers through improvements to our website and materials used in presentations. In our education and outreach programs, we have partnered with many groups, including government agencies, professional associations, community groups, and non-profit organizations.

Our programs of enforcement, alternative dispute resolution, education, and outreach are dedicated to the mission of equal protection under the law in the fight against unlawful discrimination.

ENFORCEMENT

CASE PROCESSING

The primary mission of the Civil Rights Division is to enforce the anti-discrimination laws in the area of employment, housing, and public accommodations under Title 24 of the Colorado Revised Statutes. The Division works in conjunction with, and maintains work-share agreements with, its federal counterparts, the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). In order to provide more efficient service to the general public, the Division has created specialized complaint intake and investigations units. These units focus on cases that are jointly filed with our federal partners, the EEOC and HUD, and exclusively filed with the Division (not with a federal partner). Joint jurisdiction occurs when the State of Colorado and the Federal government have jurisdiction over the same matter. The staff of the Division strives to provide the best customer service to the public, as well as to all parties in a case. During Fiscal Year 2009-2010, 942 complaints were filed with the Division. Of those complaints, 208 were deemed non-jurisdictional or untimely, and because of that no further action was taken on these complaints. As a result, 734 charges were investigated in Fiscal Year 2009-2010. Employment discrimination continued as the largest type of complaint filed (82%). For the past several years, Colorado's trend in complaint/investigation statistics roughly mirrors those at the federal level. The following chart identifies the caseload handled by the Division for the past three fiscal years.

Charges Filed with CCRD				
	Employment Charges Filed	Housing Charges Filed	Public Accommodations Charges Filed	Total Charges Filed
FY07-08	635	96	48	779
FY08-09	712	103	72	887
FY09-10	599	89	46	734

To understand some of the issues and determine priorities, the Division turns to trends noted in the basis/protected class category as it relates to complaints filed. A protected class is a group of people who are protected from discrimination by the Colorado Anti-Discrimination laws. In employment, discrimination charges based on sex (gender) continue to be significant. In 2007 and 2008, the protected class of sexual orientation, including transgender, was added to Colorado's Anti-Discrimination statutes. Since that time, the percentage of complaints filed based on sexual orientation has slowly increased.

The following charts show that in Fiscal Year 2009-2010, disability, sex, and retaliation claims were the most prevalent bases of charges seen by the Division. Retaliation is an adverse action taken against someone who has opposed discrimination or participated in a discrimination proceeding. Over the past three years the trend of increased claims of retaliation in employment has almost doubled. It is also important to note that in the past fiscal year, more than 50% of housing charges included claims based on disability.

Basis of Charges - Fiscal Year 2009-2010				
Basis*	Employment	Housing	Public Accommodations	Total
Age (40 through 69)	157	n/a	n/a	157
Color	80	7	13	100
Creed/Religion	30	3	3	36
Disability	153	50	20	223
Familial Status	n/a	7	n/a	7
Marriage to Co-worker	10	n/a	n/a	10
Marital Status	n/a	4	0	4
National Origin/Ancestry	115	10	9	134
Race	105	24	14	143
Retaliation	315	6	10	331
Sex	255	5	7	267
Sex: Pregnancy	35	0	0	35
Sexual Orientation	35	3	2	40
Other	1	2	0	3

* May be more than one basis per case

Basis of Charges Filed - Comparison			
Basis *	FY07-08	FY08-09	FY09-10
Age (40 through 69)	110	177	157
Color	89	122	100
Creed/Religion	26	57	36
Disability	189	267	223
Familial Status	8	16	7
Marriage to Co-worker	7	6	10
Marital Status	3	4	4
National Origin/Ancestry	115	168	134
Race	154	205	143
Retaliation	170	305	331
Sex	197	299	267
Sex: Pregnancy	30	39	35
Sexual Orientation	23	42	40
Other	0	6	3

* May be more than one basis per case

Protected Classes in Colorado

Housing - Employment - Public Accommodations

Age (40 through 69) (employment only)
 Ancestry
 Creed
 Color
 Disability
 Familial (family) status
 Marital status (housing and PA only)
 Marriage to Co-worker (employment only)
 National Origin
 Race
 Religion (employment and housing only)
 Sex
 Sexual Orientation, including transgender
 Retaliation (for engaging in a civil rights-protected activity)

Charges by County – Fiscal Year 2009-2010

County *	Employment	Housing	Public Accommodation	Total
Adams	49	4	3	56
Alamosa	5	0	0	5
Arapahoe	74	15	7	96
Archuleta	1	0	0	1
Boulder	29	6	0	35
Broomfield	10	0	1	11
Chaffee	3	0	0	3
Conejos	0	0	1	1
Custer	1	0	0	1
Delta	4	2	1	7
Denver	132	22	22	176
Dolores	1	0	0	1
Douglas	19	3	1	23
Eagle	9	1	0	10
El Paso	58	10	3	71
Elbert	1	0	0	1
Fremont	3	0	0	3
Garfield	6	2	0	8
Gilpin	4	0	1	5
Grand	1	0	0	1
Gunnison	3	0	0	3
Jefferson	55	9	2	66
Kit Carson	0	0	1	1
La Plata	3	1	0	4
Lake	0	1	1	2
Larimer	28	7	0	35
Las Animas	3	0	0	3
Lincoln	3	0	0	3
Logan	1	0	0	1
Mesa	23	0	0	23
Montezuma	0	1	0	1
Montrose	1	0	0	1
Morgan	6	0	0	6
Otero	1	0	0	1
Park	1	0	0	1
Phillips	1	0	0	1
Pitkin	2	1	0	3
Prowers	2	0	0	2
Pueblo	29	2	0	31
Rio Blanco	4	0	0	4
Routt	0	1	0	1
Sedgwick	0	0	1	1
Summit	6	0	0	6
Teller	2	0	0	2
Weld	13	1	1	15
Yuma	1	0	0	1

* County of Occurrence or Complainant

ENFORCEMENT

INVESTIGATIONS

After an investigation is conducted by the Division, a determination is made as to whether there is sufficient evidence to support a finding of probable cause that discrimination has occurred. If the Director finds no probable cause, the complainant has the right to appeal that determination to the Commission or to file a legal complain in civil court. If the Director finds probable cause, the parties are required to attempt mediation. If the case is not settled, the Commission decides whether the matter will be noticed for hearing, with the exception of Housing cases, which must be set for hearing.

Findings						
Area of Jurisdiction	FY07-08		FY08-09		FY09-10	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	60	338	63	378	50	403
Housing	6	53	7	70	9	54
Public Accommodation	2	19	3	22	3	57

Probable Cause Findings by Basis			
Basis	FY07-08	FY08-09	FY09-10
Age	9	9	7
Color	1	6	5
Creed/Religion	1	4	5
Disability	15	8	12
Familial Status	2	1	3
Marriage to Co-Worker	0	2	0
Marital Status	0	0	1
National Origin/Ancestry	12	15	7
Other	0	0	0
Race	1	8	6
Retaliation	17	28	18
Sex	22	24	22
Sex (Pregnancy)	2	4	2
Sexual Orientation	0	3	2
Total Bases*	82	112	90

* May be more than one basis per case

NEWS RELEASE

DENVER – On December 18, 2009, the Colorado Civil Rights Commission reversed a decision of the Administrative Law Judge regarding a case filed with the Colorado Office of Administrative Courts.

The Commission found that a large organization in northern Colorado violated the civil rights of its bar manager who had been severely sexually harassed by her supervisor and subsequently terminated as a result of her unwillingness to participate in his sexual advances. The Commission found that the Respondent's explanation for the manager's termination was not credible and that they did not follow their own standard termination procedures. Finally, the Commission found that under the law, a case of discrimination had been established without the Respondent having met its burden of establishing legitimate, non-discriminatory reasons for any employment decisions that were made. The Commission awarded the complainant back-pay and ordered the Respondent to cease and desist any further discriminatory practices in the future.

ENFORCEMENT

INVESTIGATIONS (cont.)

Appeals to Commission				
Fiscal Year	Employment	Housing	Public Accommodation	Total
FY07-08	63	20	15	98
FY08-09	66	11	6	83
FY09-10	71	13	24	108

Under the Anti-Discrimination statutes, the Division is required to complete investigations within 270 days, with two optional extensions of time of ninety days each. It is important to note that the Division conducted all of its proceedings within jurisdictional time frames. Cases can be closed under a number of circumstances, including; probable cause/no probable cause finding, successful mediation, closed after hearing, lack of jurisdiction, right to sue issued, and withdrawal or administrative closure. The following chart demonstrates the number of cases that the Division completed in the past three fiscal years.

Cases Closed				
Fiscal Year	Employment	Housing	Public Accommodation	Total
FY07-08	603	118	60	781
FY08-09	616	91	43	750
FY09-10	676	89	80	845

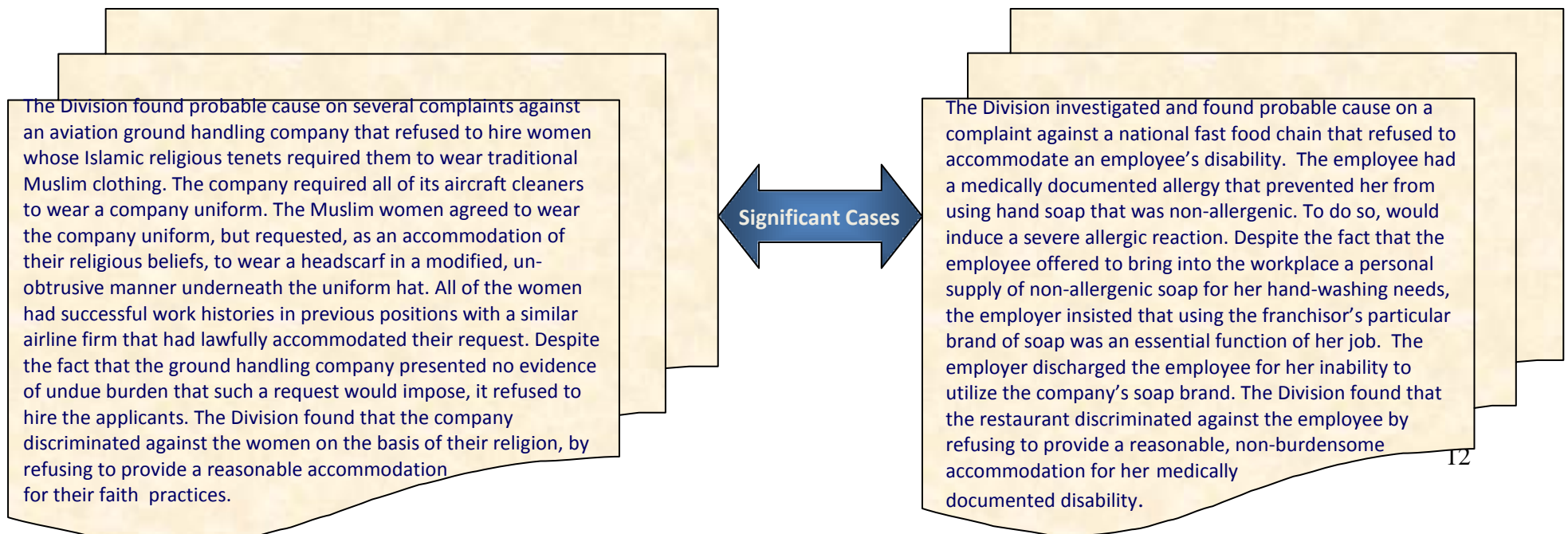
ENFORCEMENT

EMPLOYMENT

The types of employment discrimination cases the Division receives has been fairly consistent with regard to the bases of alleged discrimination, i.e., sex, race, national origin/ancestry, religion/creed, age, disability, retaliation. However, in the Fiscal Year 2009-2010, the Division has noted an increase in complaints filed against employers by employees or former employees on the basis of retaliation. When an employee complains to an employer about what s/he perceives to be discrimination in the workplace, and/or participates in an investigation or proceeding regarding discrimination, the employee has engaged in activity protected by anti-discrimination statutes. An employer is prohibited from taking adverse action against an employee because of the employee's engagement in such protected activity. Despite this prohibition, the Division has received more complaints alleging retaliation against employees for engaging in protected activity, which includes assigning heavier or less desirable workloads, issuing negative performance evaluations, meting out unjust discipline, and/or terminating the employment relationship.



Another trend noted in the Fiscal Year 2009-2010 is an increase of complaints in which employers prohibit all languages except English from being spoken in the workplace. While employers may apply English-only policies in limited situations or circumstances, such as i) to promote the safety or efficient operation of the business; or ii) to facilitate communication between supervisors, co-workers or customers who speak only English, employers may not lawfully require that English be the only language spoken at all times during the work day, including breaks and in private conversations.

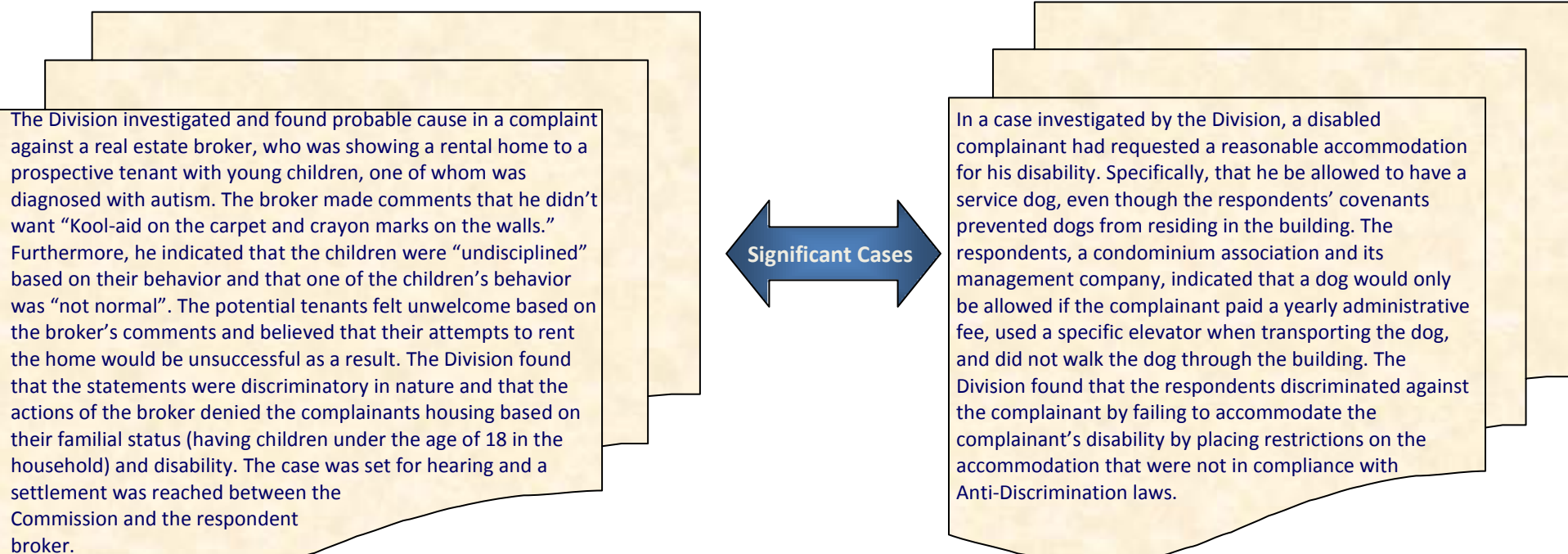


ENFORCEMENT

HOUSING

Discriminatory Predatory Lending

Under a grant from HUD, the Civil Rights Division examined 260,000 mortgage loan origination documents in Colorado for the year 2006 in order to address possible discriminatory predatory lending practices in the state of Colorado. The grant activities included research, outreach and education, and enforcement. In the area of enforcement, the Division investigated several cases against builders, developers, mortgage brokers, and several lenders in the Greeley area in which the complainants alleged discriminatory financing on the basis of Hispanic national origin. Evidence obtained during the Division's investigations revealed that the several mortgage related companies used affinity marketing techniques to lure buyers to the two subdivisions in Greeley to buy homes for which the buyers were not financially qualified to purchase, and gave false information to the buyers about the financing of the homes. After the case was filed administratively by the Civil Rights Commission, it was removed to civil court. In the spring of 2010, the judge in Weld County District Court ordered civil penalties and damages against the defendants, including: i) \$25,000 in civil penalties against each of four defendants and \$10,000 against a lesser defendant; ii) \$519,203.62 in damages, jointly, against the defendants; and, iii) ordered the defendants to cease and desist all discriminatory and unfair housing practices in the State of Colorado.



The Division investigated and found probable cause in a complaint against a real estate broker, who was showing a rental home to a prospective tenant with young children, one of whom was diagnosed with autism. The broker made comments that he didn't want "Kool-aid on the carpet and crayon marks on the walls." Furthermore, he indicated that the children were "undisciplined" based on their behavior and that one of the children's behavior was "not normal". The potential tenants felt unwelcome based on the broker's comments and believed that their attempts to rent the home would be unsuccessful as a result. The Division found that the statements were discriminatory in nature and that the actions of the broker denied the complainants housing based on their familial status (having children under the age of 18 in the household) and disability. The case was set for hearing and a settlement was reached between the Commission and the respondent broker.

Significant Cases

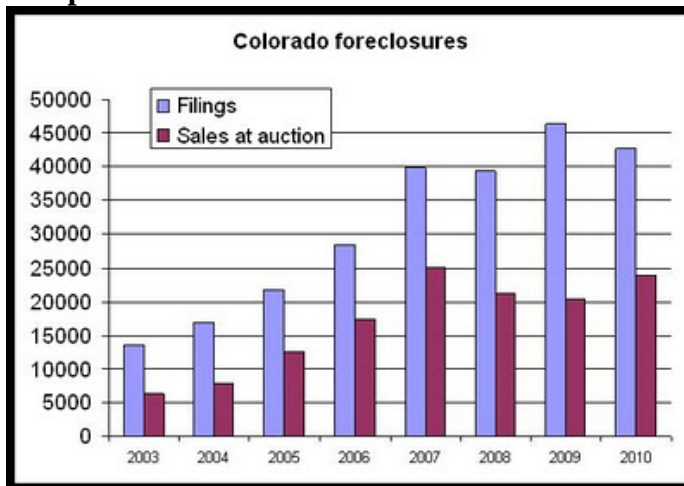
In a case investigated by the Division, a disabled complainant had requested a reasonable accommodation for his disability. Specifically, that he be allowed to have a service dog, even though the respondents' covenants prevented dogs from residing in the building. The respondents, a condominium association and its management company, indicated that a dog would only be allowed if the complainant paid a yearly administrative fee, used a specific elevator when transporting the dog, and did not walk the dog through the building. The Division found that the respondents discriminated against the complainant by failing to accommodate the complainant's disability by placing restrictions on the accommodation that were not in compliance with Anti-Discrimination laws.

ENFORCEMENT

HOUSING (cont.)

In the past year, discriminatory housing practices have shifted to the rental and credit markets. Some housing providers have taken advantage of homeowners moving into the rental market, knowing the renter is in an uncertain financial situation after a foreclosure and unable to obtain other housing. Through lease-to-own programs, increased rent, or poor housing conditions, minority homeowners who were targeted in discriminatory lending transactions had no choice but to move into this rental market. Promoters of fraudulent mortgage rescue and credit repair programs have taken advantage of the same individuals harmed in the foreclosure crisis. The Division focused on reaching out to the local communities to encourage understanding of the issues and when the complaint filing process is appropriate.

Completed Foreclosures in Colorado



ENFORCEMENT

PUBLIC ACCOMMODATIONS

Colorado’s civil rights laws also protect against discrimination by prohibiting the withholding from or denying the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation to any person of a protected class. A “place of public accommodation” is any place of business engaged in sales to the public and any place offering services, facilities, privileges, advantages, or accommodations to the public. Examples include stores, restaurants, hotels, hospitals, parks, theaters, museums, libraries, sporting or recreational facilities, campsites, hospitals, convalescent homes, and educational institutions (does not include churches, synagogues, mosques, or other places that are principally used for religious purposes).

No place of public accommodation may post a sign which states or implies, “We reserve the right to refuse service to anyone.”

Public Accommodations cases filed with the Division have historically been a smaller percentage of the overall caseload. The Division has worked to raise public awareness of this provision and is revising its public website to increase knowledge concerning the requirements and protections available.

A transgender male student who filed a complaint with the Division had requested permission from his high school to wear a dress to school; however, his request was denied. The school administrators contended that because the student was male, the school’s dress policy prohibited him from wearing female clothing. The school also asserted that it was concerned that the student’s dress would cause a disturbance at the school and that his safety could be affected as well. The Division found that such a policy is discriminatory, based on the complainant’s sex (male) and sexual orientation (transgender), finding that the respondent has a duty to maintain an environment free from harassment and provide non-discriminatory access to all students. The Division also found that while the school may prescribe reasonable standards of dress and grooming, it cannot require a student to dress in a manner inconsistent with the individual’s transgender status.



The Division investigated a matter where the complainant, an individual who has mobility impairment and uses a wheelchair, had requested the services of a cab company to provide transportation. When the cab arrived to pick up the complainant and his girlfriend, the driver informed them that he could not give them a ride and that he could be terminated from his job if he violated the company’s policy of transporting persons in wheelchairs. The company claimed that it provided services to individuals in wheelchairs, but that the rider must be able to transfer from the wheelchair into the cab without assistance from the driver. Since the evidence demonstrated that the complainant was able to do so, the Division found that the cab company’s reason for denying him service was pretextual and found probable cause to believe discrimination occurred.

ALTERNATIVE DISPUTE RESOLUTION

The Civil Rights Division provides alternative dispute resolution (ADR) as a time and cost savings alternative to investigation and litigation. ADR is a tremendous value-added program in the Division and is provided free to the parties. This process provides a benefit to the parties in that it allows disputes to be resolved at the lowest possible level. Prior to the initiation of an investigation, the Division provides the parties the opportunity to participate in voluntary mediation. This is a formal meeting held between both parties where a Division staff member acts as an independent intermediary to assist the parties in reaching a compromise. Mandatory mediation (known as conciliation) is required when probable cause (reasonable cause exists to believe that discrimination occurred) is found in a case. In addition, at any time during the course of an investigation, the parties may discuss settlement, with or without the assistance of Division staff. The Division makes it a priority to provide parties with this opportunity, as in many cases it has proven a beneficial resolution to a matter that might otherwise result in greater harm. This program yielded over \$4 million dollars to consumers in the last three fiscal years.

Alternative Dispute Resolution									
Fiscal Year	Mediations			Conciliations			Total		
	Number of Mediations Held	Mediations Resulting in Settlements	Value of Mediated Settlements	Number of Conciliations Held	Conciliations Resulting in Settlements	Value of Conciliated Settlements	Total Mediations/ Conciliations Held	Total Resulting in Settlements	Total Value of Settlements
FY07-08	77	46	\$1,025,527	54	13	\$311,118	131	59	\$1,336,645
FY08-09	120	90	\$1,265,548	64	19	\$188,674	184	109	\$1,454,222
FY09-10	148	111	\$1,306,555	52	14	\$176,069	200	125	\$1,482,624

In order to improve customer service, thereby reducing cost and increasing benefit to the parties in a case, another priority of the Division is to decrease the time it takes to conduct mediations. As a result, in the last year, the Division was able to conduct 73% of its formal mediations within 45 days of the date the process begins.

OUTREACH AND EDUCATION

As part of its community-awareness goals, the Division has continued its strong education and outreach program to inform the public regarding the law pertaining to discrimination in employment, housing and public accommodations in Colorado. Division staff travels the state to provide educational seminars and meetings to educate businesses and the public about the Colorado Anti-Discrimination laws, and provides regularly-scheduled monthly educational training at its headquarters in Denver. The Division also maintains a website where the public can obtain information about the Division and the Commission, enroll in upcoming trainings, and download instructions and forms to file a complaint of discrimination (www.dora.state.co.us/civil-rights). The Division produces numerous brochures and materials available to the public to further the goal of public awareness, many of which may be obtained on the website.

In addition to the monthly-scheduled training in Denver, in the Fiscal Year 2009-2010 the Division conducted numerous trainings and outreach events in Aurora, Northglenn, Thornton, Fort Collins, Colorado Springs, Pueblo, Grand Junction, Greeley, Ignacio, Cortez, Durango, Rifle, Glenwood Springs, and Trinidad. The Division has found that when local organizations gather employees, employers, businesses, managers, and other interested persons in one place, training is much more efficient.

These outreach and educational efforts provide a clear manner in which individuals, managers, small and large business owners, and housing providers are advised of their respective rights as well as their responsibilities under the law, the administrative process, and the manner in which to file a complaint. Education is completed in an easily accessible manner, at no cost. Attendees report that learning about the law is the first part; the second part, equally important, is the ability to apply the law to real world issues in a training setting. The goal of preventing discrimination from occurring in the first place continues to be a priority of the Division, and our training and outreach program is used as a strong method to help achieve that goal.

TRAINING AVAILABLE

The Civil Rights Division offers *free* training courses at 1560 Broadway, Denver

Employment 101, including sexual harassment

Fair Housing 101

Call (303) 894-2997

or

www.dora.state.co.us/civil-rights

"Education is the most powerful weapon which you can use to change the world." Nelson Mandela

OUTREACH AND EDUCATION

The Division has partnered with other organizations to provide education and outreach, which are a vital part of its mission. The Division leverages valuable resources by working with various organizations including city councils, academic institutions, non-profit organizations, and other government agencies like the Colorado Workforce Center. As a result, we are able to reach many individuals and regulated companies. Maintaining these partnerships will remain a priority, since they assist in reaching local areas that would not otherwise receive training and education. In Fiscal Year 2009-2010, the Division partnered with other organizations in 58% of our programs, providing a greater ability to educate the public regarding anti-discrimination laws.

Training/Outreach				
Fiscal Year	Training/Outreach			Total
	Number of Trainings	Number of Trainings as Part of a Settlement	Number of Outreach Events	Total Trainings and Outreach
FY2007-08	30	2	23	53
FY2008-09	60	6	22	82
FY2009-10	42	9	54	105

Press Release

For Immediate Release – November 3, 2009

**Colorado Civil Rights Public Forum in Pueblo
Sponsored by the Colorado Civil Rights Division–November 12, 2009**

DENVER – On Thursday, November 12, the public is invited to attend the forum to discuss civil rights concerns in the region. The forum will be held between 5:00 p.m. and 7:00 p.m. at the Pueblo County Conference Center, 1001 North Santa Fe Avenue.

The purpose of the forum is for the Colorado Civil Rights Commission and Division to listen and learn about the issues and concerns from around the state regarding civil rights. Facilitating the forum will be Colorado’s Director of Civil Rights, Steven Chavez. Members of the state’s Civil Rights Commission and Division will be available to listen and answer questions.

Other forums are planned around the state in the coming months. The information gathered through these forums will offer policy makers and the public an informational tool highlighting the civil rights issues in Colorado.

Doors will open with refreshments being served beginning at 5:00 p.m.

PUBLICATIONS/BROCHURES AVAILABLE

Colorado Anti-Discrimination Poster (English)
Colorado Anti-Discrimination Poster (Spanish)
Employment Discrimination (English)
Employment Discrimination (Spanish)
Housing Discrimination (English)
Housing Discrimination (Spanish)
Predatory Discriminatory Lending (English)
Predatory Discriminatory Lending (Spanish)
*Report: Discriminatory Predatory Lending
 Sexual Orientation (English)*

**Brochures available at (303) 894-2997 or at
www.dora.state.co.us/civil-rights**

OUTREACH AND EDUCATION

Each year the Civil Rights Division has been an active participant and sponsor of the MLK Humanitarian Awards celebration hosted by the Dr. Martin Luther King, Jr. Colorado Holiday Commission. The Division assists in the planning of the event and contributes volunteers to staff the event.



DENVER – On January 12, 2010, the Dr. Martin Luther King Jr. Humanitarian Awards Committee will honor the recipients of the 2010 Humanitarian Awards at a community reception and free concert performed by the Colorado Symphony Orchestra. The ceremony will begin at 6:00 p.m. at Boettcher Concert Hall.

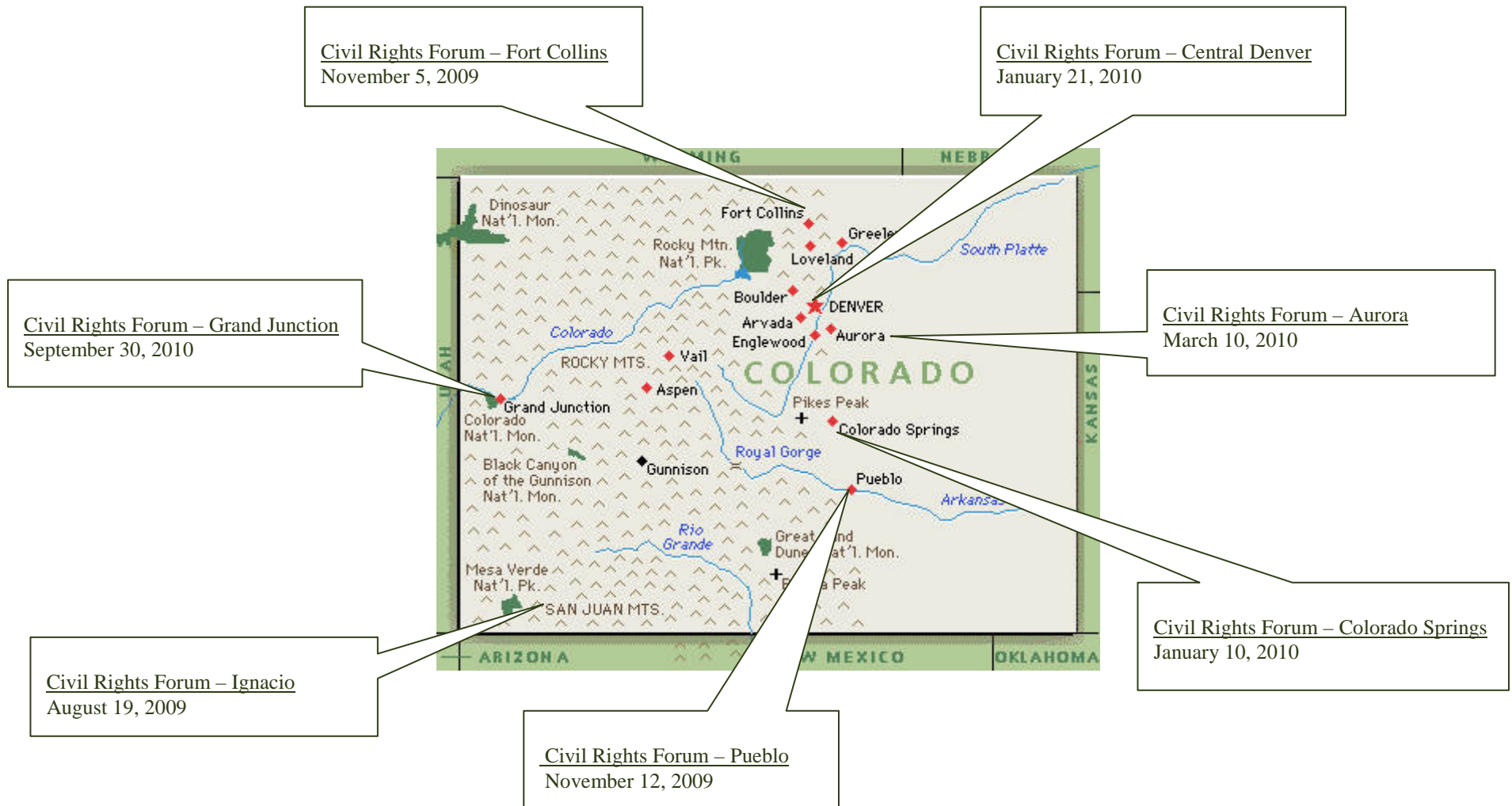
The 2010 Award recipients are:
Former Senator Dorothy Rupert, Lifetime Achievement
Ms. Cleo Parker Robinson, Lifetime Achievement
Clinica Tepeyac
Ms. Rhonda Fields
La Academia at the Denver Inner City Parish
League of Women Voters of Denver Education Fund
Pastor Heidi McGinness
Ms. Alyssa Motz, 2010 Youth Recipient

The Awards Ceremony and Concert serve to honor and celebrate the life and legacy of the late Dr. Martin Luther King, Jr. The Humanitarian Awards Committee and the Colorado Symphony Orchestra have partnered for the past 21 years to provide a reception, awards program and concert that are free to the public. Tickets for the reception, awards ceremony, and concert are available at no cost from the Blair Caldwell African American Research Library, the Urban League of Metro Denver and the Colorado Symphony Orchestra Box Office.

The Dr. Martin Luther King, Jr. Colorado Holiday Commission, established in 1986, works to honor the life and legacy of Dr. Martin Luther King, Jr. in Colorado by sponsoring a series of events and educational programs about Dr. King. In addition to the Humanitarian Awards program the Dr. Martin Luther King, Jr. Colorado Holiday Commission is co-sponsor of the Dr. King Holiday Parade in Denver, to be held on January 18, 2010.

CIVIL RIGHTS FORUMS CONTINUE TO BE HELD

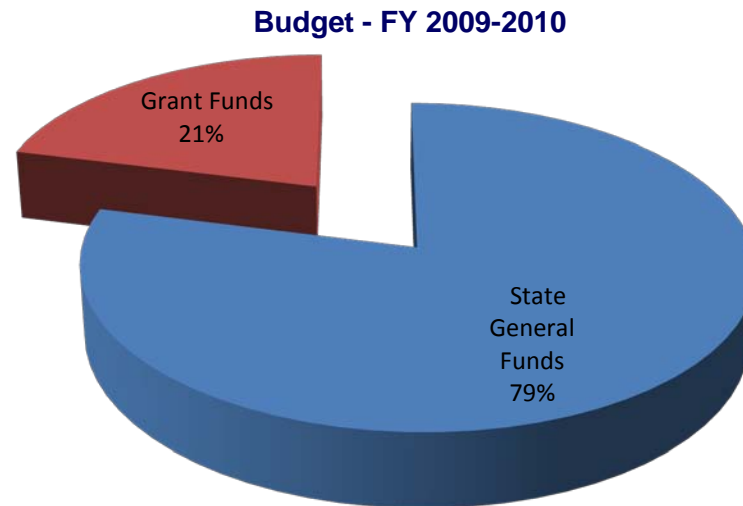
During Fiscal Year 2009-2010, the Colorado Civil Rights Division and Commission continued its series of open microphone community forums around the state to hear from the community about areas of concern. Participants were able to present issues, obtain answers to questions, and open a dialogue to identify possible solutions to issues in the region.



BUDGET

The Civil Rights Division is funded by the State of Colorado's General Fund and federal government grants with the EEOC and HUD. The Division has been diligently working to identify efficiencies, in an already streamlined process, to provide the most effective delivery of services after a 10% cut in general funds in Fiscal Year 2009-2010. The Division operated the entire year with significantly fewer staff members, affecting the length of time taken to investigate cases under internal guidelines, yet still meeting all statutory time limits. This is a remarkable achievement given the Division's resources. However, it provided the Division a great opportunity to evaluate its work processes and to challenge long held assumptions. As a result, numerous operational changes were implemented to maximize resources.

Budget - FY 2009-2010		
Source	Amount	Full-time Employees
State General Funds	1,710,695	21.4
Grant Funds	456,851	11.0
Total	2,167,546	32.4



CURRENT ISSUES

DISPARITY IN EDUCATION

There is continuing concern over the fact that minority students in public schools generally do not perform at the same level as white students. This is known as the “achievement gap.” Numerous educators and experts have commented on this very serious problem. The Division has studied this issue in the past with limited success, primarily due to the issue’s complexity and resources required to adequately investigate. However, the Division has processed many cases involving allegations of employment discrimination in public educational institutions and investigations are ongoing.

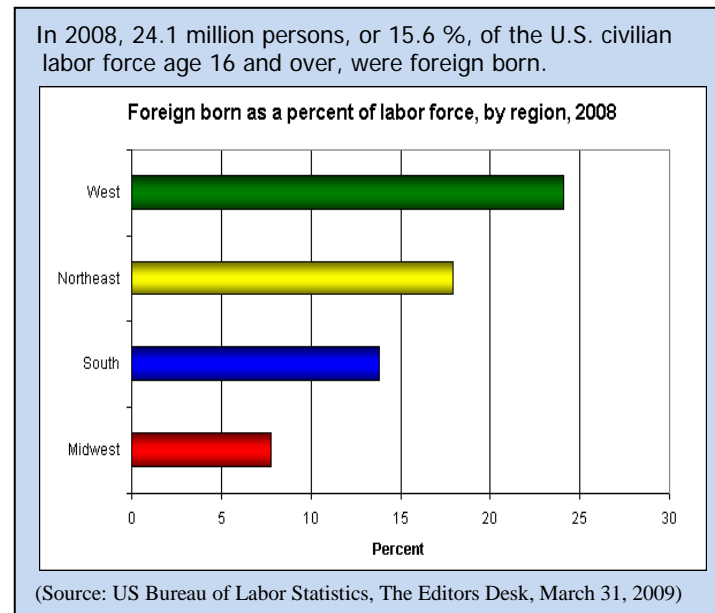
BULLYING IN PUBLIC SCHOOLS

Another very visible issue that has been brought to the forefront of community consciousness, which may involve educational institutions, is bullying and harassment seen by students, teachers, administrators, parents, and friends. Of particular concern to the Division is bullying that may occur in the context of race or sexual orientation; however, the Division has not seen many cases filed involving bullying in this area.

IMMIGRATION

The Division continues to see immigration issues as they relate to discrimination in the workplace and in housing. As discrimination based on national origin is prohibited under Colorado Civil Rights laws, the Division looks into these types of cases filed by complainants. Claims of deplorable working and housing conditions have been reported by immigrants who are sometimes afraid to file a complaint.

In Grand Junction at one of our civil rights forums, participants from a non-profit assistance agency told of an immigrant worker whom a farmer had hired to help pick his peach crop. The farmer had advised the worker that he would be paid in cash at the end of the job, but when the time came to be paid, the farmer refused to pay him. The farmer counted on the worker being too frightened to report him to any government agency, much less to the Civil Rights Division or to the Colorado Department of Labor, Wage & Hour Division. This and similar types of wage theft are not uncommon among immigrant populations.



ISSUES ON THE HORIZON

- Education and outreach to all communities of interest will continue to be a priority, so that issues can be resolved in the most cost effective manner without resorting to the court system.
- Collaboration with EEOC, HUD, and other federal and local agencies on joint investigations and enforcement of cases which will result in a greater impact.
- Maximize limited resources by continuing to examine work processes to make them more efficient and customer service friendly. It is important that all customers are treated with respect and that every effort is made to process claims in a timely manner.



HISTORY OF CIVIL RIGHTS LAWS IN COLORADO

- 1876 Colorado Constitution was ratified after 100 Black men demanded and were given the right to vote.
- 1893 Colorado again expanded its laws and 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, and
 - conduct hearings regarding job discrimination cases involving public employers (state, county, city governments).
- However, the fledgling agency was given no compliance or enforcement powers.
- 1955 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 public 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, and
 - 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.
- 1979 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,
 - granted Commission power to award back pay in employment cases and actual costs to obtain 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 of testifying in a discrimination charge illegal, and
 - made mediation mandatory after a finding of probable cause.

- 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), and
 - 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, and
 - 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 Colorado Civil Rights Division’s third legislative Sunset Review left the agency with two new statutory mandates:
- gave jurisdiction to the agency for workplace harassment cases without economic loss, and
 - specific authorization to intervene in intergroup conflicts and offer voluntary dispute resolution services.
- 2000 The U.S. Courts of Appeals for the 10th Circuit in *Barzanji v. Sealy Mattress Co*, issue an opinion, a case that was initially filed with the Division. The decision placed additional limitations on the concept of “continuing violations” and reaffirmed that the date of notification of adverse employment action is the correct date of record for purposes of measuring jurisdictional filing deadlines.
- 2007 The legislature adds sexual orientation, including transgender status, as a protected class in employment cases.
- 2008 The legislature adds sexual orientation, including transgender status, as a protected class in housing and public accommodation claims, but exclude 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, and
 - extended the Division’s subpoena authority.

“The price of freedom is eternal vigilance.” Thomas Jefferson

Colorado Civil Rights Division



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