

Colorado Civil Rights Commission Colorado Civil Rights Division

Annual Report 2011



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

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





Greetings,

As Chair of the Colorado Civil Rights Commission, my fellow Commissioners and I have traveled around the state as well as having attended our monthly meetings as a portion of our duties. We are committed to partnering with members of the business communities and all people of Colorado to proactively advance equal rights in the most cost effective manner with the least disruption to the regulated community. We believe equal rights in the work place, housing, and places of public accommodation is good for business and communities, and that all Coloradans support fair treatment for everyone.

Our outreach to various communities is an element of our range in reaching out to determine whether people living in our state are being subjected to discriminatory practices in employment, housing, and places of public accommodation. We encourage you to consider participating in the work of the Colorado Civil Rights Commission. We also 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. You may attend our monthly meetings and the planned forums which take place around the State and participate in the advancement of civil rights in Colorado. We welcome your involvement and feedback regarding what works and in areas where we can improve.

This *Annual Report* provides information concerning charges and complaints of discrimination which have been filed with the Division and have been reviewed by the Commissioners. You may contact our Colorado Civil Rights Division office if you have questions related to the Report.

As an important and sad note of remembrance regarding a valued colleague, the Colorado Civil Rights Commission was saddened when Commissioner Ike Kelley, Jr. passed away on June 26, 2011. The Commission and Division extend their thanks to Commissioner Kelley's family for allowing us the opportunity to know him and work with him, and we extend our deepest sympathy to his family and friends.

Con Respeto,

Eva Muniz-Valdez

Eva Muniz-Valdez
Commission Chair

TABLE OF CONTENTS

GREETINGS.....	2
COMMISSION MEMBERS.....	4
EXECUTIVE SUMMARY.....	5
ENFORCEMENT-CASE PROCESSING.....	6
ENFORCEMENT-INVESTIGATIONS.....	9
EMPLOYMENT.....	11
HOUSING.....	12
PUBLIC ACCOMMODATIONS.....	13
ALTERNATIVE DISPUTE RESOLUTION.....	14
OUTREACH AND EDUCATION.....	15
BUDGET.....	16
ISSUES ON THE HORIZON.....	17
HISTORY OF CIVIL RIGHTS LAWS IN COLO.....	18

**COLORADO CIVIL RIGHTS COMMISSION
COLORADO CIVIL RIGHTS DIVISION**

Civil Rights Commission

Term Expires

Eva Muñiz-Valdez , Chair, Rep. Community at Large, Pueblo	3/13/2013
Katina Banks , Vice Chair, Rep. Community at Large, Denver	3/13/2015
Susie Velasquez , Rep. Local Government, Greeley	3/13/2015
Janelle R. Doughty , Rep. Community at Large, Marvel	3/13/2013
Raju Jairam , Rep. Business Community, Fort Collins	3/13/2015
Diann Rice , Rep. State or Local Government Entities, Fruita	3/13/2012
Commissioner Position Vacant	3/13/2013

Civil Rights Division

Steven Chavez, Director

MAIN OFFICE

Civil Rights Division

1560 Broadway, Suite 1050
Denver, CO 80202
(303) 894-2997
(800) 262-4845 - toll free outside Denver
(303) 894-7830 - fax
CCRD@dora.state.co.us - email

Regional Offices

Grand Junction

222 South 6th Street, Suite 301
Grand Junction, CO 81501
(970) 248-7303

Pueblo

200 West B Street, Suite 234
Pueblo, CO 81003
(719) 542-1298

EXECUTIVE SUMMARY

The Colorado Civil Rights Division is an enforcement agency within the Department of Regulatory Agencies (DORA). The Colorado Civil Rights Commission is a seven-member, bipartisan, commission appointed by the Governor of Colorado pursuant to the Colorado Civil Rights Act. The Commission has statutory authority to make rules, set and recommend policy to the Governor, mediate disputes between groups, investigate discriminatory practices, hear appeals, and conduct hearings regarding discrimination in Colorado. The Colorado Civil Rights Division, a sister agency to the Commission, is a neutral, fact-finding, administrative agency that conducts investigations regarding discrimination in employment, housing, and places of public accommodation. 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 Commission and Division are dedicated to promoting fair and inclusive communities through the enforcement of the Civil Rights laws, mediation, and education and outreach. Our mission of eliminating discrimination in Colorado helps to create a more open and receptive environment in which to conduct business, as well as live and work. Through our enforcement program, employers, businesses, housing providers, and individuals find the forum in which concerns can be examined under the law. Because resolution of disputes at the earliest possible stage is a preferred outcome, the Division has made our Alternative Dispute Resolution program (mediation) a priority which can identify viable options for constructive resolution of cases. The Division has also expanded our education and outreach programs for the public in an effort to prevent discrimination in Colorado. We have partnered with other organizations to extend our reach in educating businesses on civil rights laws in the State. The Division has also begun working on adding web-based training programs for the public to our website. This type of educational platform will improve the consistency of information provided to the public and expand access to information to persons who may otherwise be unable to attend training or outreach events.

This year, the Division continued to enhance our response to the public. We have improved the quality of information and customer service at the complaint intake stage, worked to streamline the investigative process, while continuing to place great emphasis on the needs of the parties in a case. As a result of our enforcement program, this year we were able to begin the process of distributing approximately \$150,000 received in a prior case settlement to assist the disabled community in making home modifications to improve their quality of life. Although fewer discrimination complaints were filed with the Division this year, our cases *per capita* in Colorado remain high and we continue to bring enforcement action, when necessary.

Civil rights enforcement helps ensure that workplaces, housing, and businesses in Colorado are free from discrimination, ultimately promoting economic growth. Our programs of enforcement, alternative dispute resolution, education, and outreach are dedicated to the mission of equal protection under the law.

ENFORCEMENT

CASE PROCESSING

The primary mission of the Colorado Civil Rights Division (CCRD) 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. One of the goals of the intake unit was to decrease the time taken to draft charges for signature and serve the charge with a request for information. The Division has been able to cut the time to draft charges to 20 days and service to 10 days. This creates a more efficient complaint intake process and less time between the complainant's first contact with the Division and the issuance of the final determination in the case. The staff of the Division strives to provide the best customer service to the public, as well as all parties in a case.

During Fiscal Year 2010-2011, 849 complaints were filed with the Division. Of those complaints, 125 were deemed non-jurisdictional or untimely, and because of that no further action was taken. As a result, 724 charges were filed for investigation in Fiscal Year 2010-2011. Employment discrimination continued as the largest type of complaint filed (79%) with the Division. The following chart identifies the caseload handled by the Division for the past three fiscal years.

Charges Filed with CCRD				
Fiscal Year	Employment Charges Filed	Housing Charges Filed	Public Accommodations Charges Filed	Total Charges Filed
FY08-09	712	103	72	887
FY09-10	599	89	46	734
FY10-11	575	118	31	724

A protected class is a group of people who are protected from discrimination by the Colorado Anti-Discrimination laws under Title 24, Article 34, parts 3-7 of the Colorado Revised Statutes. In 2007 and 2008, the protected class of sexual orientation, including transgender, was added to Colorado's Anti-Discrimination statutes in employment, housing and public accommodations. Since that time, the percentage of complaints filed based on sexual orientation has slowly increased. As you will see in the chart below, discrimination charges based on sex (gender), disability, and retaliation continue to be

ENFORCEMENT

CASE PROCESSING (cont.)

significant in Fiscal Year 2010-2011. Retaliation is an adverse action taken against someone who has opposed discrimination or participated in a discrimination proceeding. Over the past five years the trend of increased claims of retaliation in employment has almost doubled.

Protected Classes in Colorado
Housing - Employment - Public Accommodations

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

Basis of Charges Filed			
<u>Basis</u> *	FY08-09	FY09-10	FY10-11
Age (40-69)	177	157	185
Color	122	100	90
Creed/Religion	57	36	33
Disability	267	223	252
Familial Status	16	7	8
Marital Status	4	4	1
Marriage to Co-worker	6	10	3
National Origin/Ancestry	168	134	120
Race	205	143	180
Retaliation	305	331	285
Sex	299	267	230
Sex: Pregnancy	39	35	19
Sexual Orientation	42	40	49
Other	6	3	6

* May be more than one basis per case

Charges by County FY10-11

County	Employment	Housing	Public Accommodations	Total
Adams	45	12	2	59
Alamosa	1	0	0	1
Arapahoe	78	20	5	103
Archuleta	2	0	0	2
Bent	1	0	0	1
Boulder	24	2	0	26
Broomfield	5	2	0	7
Chaffee	2	0	0	2
Conejos	1	0	0	1
Crowley	3	0	0	3
Delta	1	0	0	1
Denver	132	31	10	173
Douglas	27	1	0	28
Eagle	3	1	0	4
El Paso	46	17	5	68
Elbert	2	1	0	3
Fremont	2	0	0	2
Garfield	6	0	0	6
Gilpin	5	0	0	5
Grand	2	0	0	2
Gunnison	1	0	0	1
Huerfano	1	0	0	1
Jefferson	54	11	5	70
La Plata	3	3	0	6
Lake	1	0	0	1
Larimer	31	11	1	43
Las Animas	5	0	0	5
Mesa	21	1	0	22
Moffat	2	0	0	2
Montezuma	2	0	1	3
Montrose	3	4	0	7
Morgan	3	0	0	3
Otero	4	0	0	4
Park	1	0	0	1
Pitkin	3	0	0	3
Prowers	0	0	0	0
Pueblo	19	0	2	21
Rio Grand	2	0	0	2
Routt	1	0	0	1
Saguache	1	0	0	1
San Miguel	1	0	0	1
Summit	3	1	0	4
Teller	3	0	0	3
Weld	21	0	0	21
Yuma	1	0	0	1

ENFORCEMENT

INVESTIGATIONS

When a discrimination complaint is filed, the Division conducts an investigation to develop relevant evidence regarding the allegation. After the investigation, a determination is made by the Director as to whether there is sufficient evidence to support a finding of probable cause that discrimination has occurred. If the Director finds probable cause, the parties are required to proceed to mandated mediation (also called conciliation). With the exception of housing discrimination cases, if the case is not settled in conciliation, the Commission will then decide whether the matter will be noticed for hearing. In Housing cases, if the Director finds probable cause and the case is not settled in conciliation, by law the case must be set for hearing. If the Director determines there is no probable cause that discrimination occurred, the complainant may appeal the determination to the Commission. A complainant may also file a legal complaint in civil court.

As noted, in most of the Division cases the Director issues a determination as to whether discrimination has occurred. In its investigations, the Division must uncover evidence to support a claim of unlawful discrimination. Although it may appear to a complainant that there has been a violation of civil rights laws, there must be grounds in the evidence, supported by facts and circumstances, to show that discrimination has been committed and for the Director to issue a finding of probable cause. Carefully identifying and analyzing all relevant evidence and information is of the utmost importance to the Division in order to provide a fair and balanced decision. The chart below provides statistics concerning the number of “Probable Cause” and “No Probable Cause” determinations issued in the past three fiscal years.

Findings						
<u>Area of Jurisdiction</u>	FY08-09		FY09-10		FY10-11	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	63	378	50	403	26	313
Housing	7	70	9	54	7	87
Public Accommodations	3	22	3	57	2	24

Should the Director find no probable cause, a complainant may appeal the decision to the Civil Rights Commission. The Commission then determines whether to uphold the Director’s determination, overturn the determination, or remand the matter back for further investigation. The Division saw a decline in appeals filed in this fiscal year, which

ENFORCEMENT

INVESTIGATIONS (cont.)

may be attributed to fewer charges having been filed, as well as other variables, including thorough investigations, extensive analysis in determinations, etc. The following are the number of appeals filed in the past three years.

Appeals				
Fiscal Year	Employment	Housing	Public Accommodations	Total
FY08-09	66	11	6	83
FY09-10	71	13	24	108
FY10-11	29	25	7	61

The Colorado anti-discrimination statutes require the Division to complete an investigation and all administrative processing of a case within 270 days, with two optional extensions of time of ninety days each per party. To provide the best customer service to the public, the Division strives to complete investigations as quickly as possible, so that parties can get to a resolution. In this fiscal year the Division was able to complete 81% of its investigations within 270 days. Cases can be completed and closed under a number of circumstances, including: probable cause/no probable cause findings, successful mediation, lack of jurisdiction, withdrawals, and administrative closures. The following chart demonstrates the number of cases that the Division completed for the past three fiscal years.

Cases Completed				
Fiscal Year	Employment	Housing	Public Accommodations	Total
FY08-09	616	91	43	750
FY09-10	676	89	80	845
FY10-11	568	112	34	714

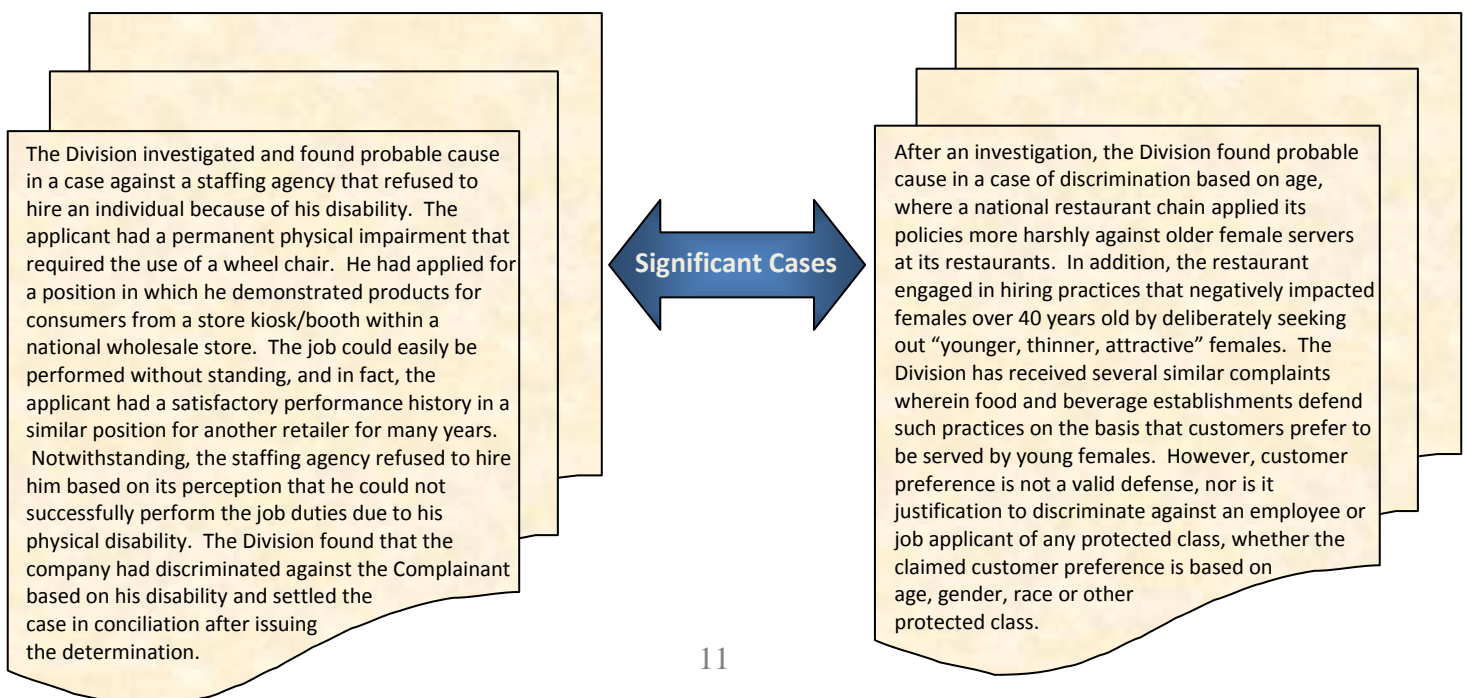
Further information relating to case closure types and results will be provided later in this report.

ENFORCEMENT

EMPLOYMENT

Although there has been a decrease in the overall number of employment complaints filed with the Division in the past several years, in Fiscal Year 2010-2011 the number of complaints filed based on age and disability have increased. The Division also continues to see a large number of complaints filed against employers by employees or former employees on the basis of retaliation, where an employee has engaged in activity protected by the anti-discrimination statutes and the employer has retaliated through acts such as assignment of heavier or less desirable workloads, issuing negative performance evaluations, unjust discipline, and terminating the employment relationship.

The Division continues to receive a steady influx of charges based on disability, with a large percentage of complainants alleging that their employer failed to accommodate their physical or mental impairments. An employer is required to make reasonable accommodations to the known limitations of an otherwise qualified individual with a disability. However, the employer is not required to do so if an accommodation would cause "undue hardship" to the employer's business. The law thus strikes a balance between the accommodations that an employee needs in order to perform the essential duties of a job and the investment and modifications an employer must make in order to accomplish those accommodations. In many cases, the evidence does not substantiate a violation of the law, because the employee sought an accommodation that was not reasonable. For example, it would not be reasonable to expect an employer to waive its attendance requirements for a job that must be performed on a daily basis at the physical work site, such as a receptionist. Nor would it be reasonable, for example, to expect an employer to compromise safety requirements in a job that requires operation of dangerous equipment. Thus, the Division must carefully evaluate the specific facts of each disability-based charge to ensure that the needs of an employee are appropriately and fairly balanced with the required needs of the employer's business operations.



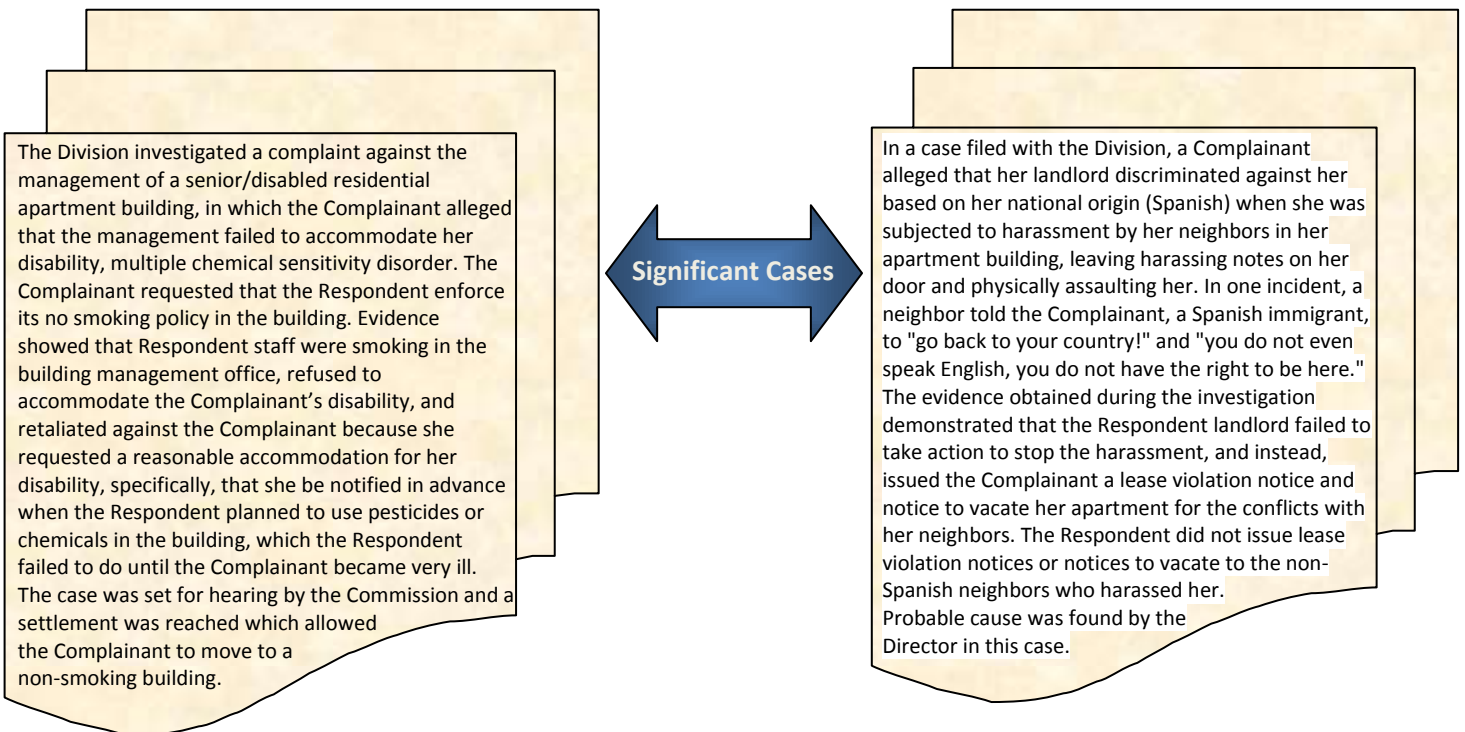
ENFORCEMENT

HOUSING

During the 2010-2011 Fiscal Year, approximately half of all housing discrimination complaints filed with the Division included an allegation of refusing to accommodate a disability or allow reasonable modifications based on disability.

As it relates to cases involving housing, persons with disabilities, defined as individuals who have one or more impairments that substantially limit one or more major life activities, may request a reasonable accommodation in rules, policies, practices, or services, in order to have equal opportunity to use or enjoy housing. Examples of accommodation requests in housing cases include; designated parking spaces, the allowance of an assistance animal in housing that has a “no pets” policy, or allowing a personal caregiver to reside with an individual with a disability. Modifications are physical changes made to housing to make it more accessible to individuals with disabilities. Examples of modifications include; the installation of ramps for wheelchairs, grab bars in bathrooms, and visual fire alarms for individuals with hearing impairments. Under the law, a housing provider must enter into an interactive dialogue with a resident with disabilities in order to attempt to identify an accommodation that would allow the resident equal use and enjoyment of a housing unit.

At least one-third of all housing complaints filed with the Division in Fiscal Year 2010-2011 included an allegation of discriminatory harm based on retaliation. Retaliation in housing is the discrimination against an individual because he/she has opposed a practice made unlawful under the anti-discrimination laws, such as filing a complaint of housing discrimination with the Division or participating in an investigation of discrimination.



ENFORCEMENT

PUBLIC ACCOMMODATIONS

Colorado’s laws also protect against discrimination in places of public accommodation where services are provided to the public. Colorado’s civil rights laws prohibit the withholding from or denying the full and equal enjoyment of goods, services, facilities, privileges, and advantages in 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 and offering services, facilities, privileges, advantages, or accommodations to the public. Examples of a place of public accommodation include; stores, restaurants, libraries, theatres, hotels, hospitals, parks, museums, sporting or recreational facilities, campsites, hospitals, convalescent homes, and educational institutions (but does not include churches, synagogues, mosques, or other places that are principally used for religious purposes).

Public accommodations cases filed with the Division have historically been a smaller percentage of the overall caseload, averaging approximately 8%. The Division has worked to raise public awareness of this provision and has revised its public website to increase knowledge concerning the requirements and protections available.

The trend in Public Accommodation cases filed with the Division has remained similar over the past several years, in that the largest types of complaints relate to discrimination based on disability and race.

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

The Division investigated a complaint where an individual with a disability alleged that a natural food store denied her a reasonable accommodation when the Respondent refused to use fragrance free soap and air fresheners in its public restrooms, which she alleged was necessary to allow her equal opportunity to shop at the Respondent’s store. The Respondent maintained that it was unreasonable to grant the Complainant’s request, as there were many products in its store that have fragrances which could possibly impact her impairment. The Division determined that the public restroom was not the primary service offered by the Respondent; rather, an ancillary convenience and the Complainant was welcome to patronize the store. Therefore, the Division found that discrimination had not occurred.



After an investigation of a complaint, the Division issued a probable cause determination in a case in which the Complainant alleged discrimination based on national origin, Hispanic, when a bar and restaurant refused to allow the Complainant to play Spanish language songs on the establishment’s jukebox. The bar’s representative admitted that the establishment did not allow Spanish language music, because it did not “suit our atmosphere.” The Division determined that the business subjected the Complainant to different terms and conditions of its primary service, based on her national origin, as other non-Hispanic customers were historically allowed to play songs of their choosing from the jukebox.

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 a neutral intermediary to assist the parties in reaching a compromise. Mandatory mediation (known as conciliation) is statutorily required when probable cause is found in a case.

The Division makes it a priority to provide parties with the opportunity to settle cases as often as possible. In many cases it has proven to be a beneficial resolution to a matter that might otherwise result in greater harm. The parties are able to be heard as well as feel empowered to address a situation or improve relationships, if at all possible. This program has not only identified alternative resolutions in cases, such as re-employment, improved work schedule, application of a reasonable accommodation; it has yielded almost four million dollars to consumers in the last three fiscal years.

Alternative Dispute Resolution									
Fiscal Year	Mediations			Conciliations			Total		
	Number Held	Settlements	Amount	Number Held	Conciliated Settlements	Amount	Total Number Held	Total Settlements	Total Amount
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
FY10-11	95	64	\$681,313	36	12	\$320,251	131	76	\$1,001,564

In order to improve customer service, another priority of the Division is to decrease the time it takes between the date a matter is referred to the Division's ADR unit and the date the mediation or conciliation is conducted. This shorter time frame results in a reduction of cost and increased benefit to the parties in a case. In the last year, the Division was able to conduct 85% of its formal mediations within 45 days of the date the mediation is referred to the ADR unit.

OUTREACH AND EDUCATION

The Civil Rights Division strives to increase the public’s knowledge of the laws prohibiting discrimination in employment, housing and public accommodations in Colorado. In that effort, one of its services available, at no cost to the public, is the Division’s education and training program. The Division also maintains a website where the public can learn about the Division and the Commission, enroll in upcoming trainings, obtain information about anti-discrimination laws and rules, and download forms to file a complaint of discrimination (www.dora.state.co.us/civil-rights). The Division will also be initiating a new program to provide web-based training to the public via our website. This program will extend the Division’s ability to provide education about Colorado’s civil rights laws to people who would otherwise be unable to attend a training session in person. The program will highlight particular legal issues, practical application of the laws, and a Q and A platform.

As public education is a vital part of its mission, Division staff travels the state to provide educational seminars for businesses and individuals, and also provides regularly-scheduled monthly educational training at its headquarters in Denver. In Fiscal Year 2010-2011, the Division conducted numerous trainings and outreach events in Aurora, Berthoud, Blackhawk, Boulder, Burlington, Delta, Denver, Colorado Springs, Canon City, Cortez, Crested Butte, Durango, Elizabeth, Empire, Estes Park, Fort Collins, Fort Morgan, Frederick, Gilcrest, Grand Junction, Greeley, Gunnison, Idaho Springs, La Junta, Lakewood, Lamar, Littleton, Montrose, Nederland, Pueblo, Rifle, Salida, and Yuma. Division training provides information to individuals, managers, small and large business owners, and housing providers that they can use regarding their respective rights and responsibilities under the law, the administrative process, and the manner in which to file a complaint. The goal of prevention and compliance continues to be a priority of the Division and our outreach program is used as a strong method to help achieve that goal.

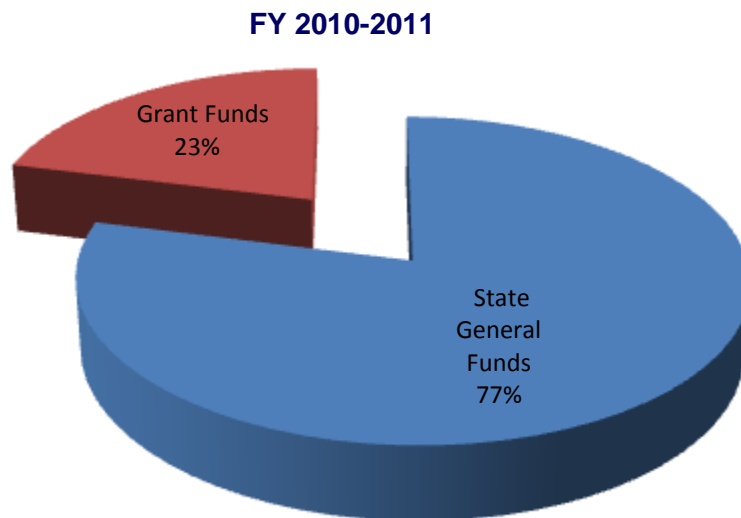
The Division also partners with other organizations to provide education and outreach. The Division leverages valuable resources by working with various organizations including city councils, academic institutions, non-profit organizations, and other government agencies. In Fiscal Year 2010-2011, the Division partnered with other organizations in 53% of our outreach, providing a greater ability to educate the public regarding anti-discrimination laws.

Training/Outreach				
Fiscal Year	Training/Outreach			Total
	Number of Trainings	Trainings as a result of Settlements	Number of Outreach Events	Total Trainings and Outreach
FY08-09	60	6	22	82
FY09-10	51	9	54	105
FY10-11	91	11	36	127

BUDGET

The Civil Rights Division is funded by the State of Colorado's General Fund. The Division's work is also supported by contractual agreements with the U.S. Department of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission. Under these agreements, when Colorado and the federal government share jurisdiction, the Division conducts investigations on behalf of the federal government, avoiding duplicative effort and allowing for a more effective use of resources. The Division has identified efficiencies, in an already streamlined process, to provide the most effective delivery of services after a more than 12% cut in general funds in recent prior fiscal years. As a result, numerous operational changes have been implemented that maximize Division resources.

Budget - FY 2010-2011		
Source	Amount	Full-time Employees
State General Funds	1,795,575	20.4
Federal Grant Funds	534,664	11.0
Total	2,330,239	31.4



ISSUES ON THE HORIZON

The Division continues to explore new avenues to carry out its enforcement mission, in spite of its extremely limited resources due to the fact that the budget has been reduced in the past several years. We continue to explore every option to maximize limited resources and the continued delivery of quality services to its customers. That includes developing protocols designed to leverage resources with stakeholders where it makes sense.

A focus of the Division and the Commission in the coming year will be to enter into collaborative agreements with federal, state, and local entities that share a similar mission, which will maximize limited governmental resources. The aim is to empower people in our state to more easily navigate the civil rights regulatory maze once they become more aware of state and federal civil rights laws and the processes attendant to each. For instance, we will explore options to leverage resources through collaboration with the Colorado Division of Housing, an agency that provides essential housing services to the people of Colorado. In the past, the Division has worked very closely with Division of Housing to educate Coloradoans about the perils of predatory lending. This effort will rekindle involvement in fair housing issues. We will also work more closely with the EEOC, HUD, and the U.S. Department of Labor (DOL) to sponsor and attend community meetings designed to educate consumers about civil rights protections provided by each agency. Where feasible, the Division may jointly investigate and litigate charges of discrimination with its federal partners, a potentially highly effective process that would maximize resources.

Because sexual harassment and retaliation claims make up a large percentage of charges filed in recent years, the Division will continue to vigorously enforce laws related to those types of claims, as well as all other types of charges received. The Division will also explore the option of engaging in litigation related to eradicating discrimination on a systemic basis in major industries similar to those currently being processed by the EEOC. A vehicle for this type of activity will be the newly adopted authority of the Commission to initiate complaints.

Working relationships between the Division, Commission, and private organizations have also proven to enhance information reaching the residents of Colorado. The Division and Commission will continue to develop partnerships with various organizations, such as the Colorado Workforce Centers and the Colorado American GI Forum, which has a rich history regarding civil rights issues, and will work with these organizations to advance issues of common interest.

The Division is also planning to facilitate discussions to promote a consortium of Human Relations Commissions around the state to advance their similar missions. A more cohesive working relationship with these groups will foster the advancement of civil rights in the state by providing cost effective mechanisms to resolve disputes without resorting to litigation. This focus will include working more closely with local Human Relations Commissions, such as the Aurora, Pueblo, Fort Collins, and Colorado Springs human rights organizations.

Finally, we are exploring options to more effectively engage in outreach efforts to consumers. Our mission to prevent and bring awareness of discrimination to the people of Colorado is a core objective, and one by which the positive effects of the law can be seen by the people and businesses who enjoy the freedom it provides.

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 Anti-Discrimination Act creating the Fair Employment Practices Division, attached 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 its 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 the 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 in employment cases,
 - made retaliation for testifying in a discrimination charge illegal, and
 - added mandatory mediation 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,
 - added mental disability as a protected status under Colorado’s fair housing law.
- In employment cases, the legislature prohibited any lawful off-premises activity as a condition of employment illegal, with sole recourse through civil suits (dubbed the “smoker’s rights” bill).
- 1991 The legislature gave the Director subpoena power in employment cases.
- 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 The 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,
 - 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*, issued an opinion in a case that was initially filed with the Division, which 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 added sexual orientation, including transgender status, as a protected class in employment cases.
- 2008 The legislature added sexual orientation, including transgender status, as a protected class in housing and public accommodation cases, but excluded 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 the Civil Rights Commission to initiate complaints; and
 - extended the Division’s subpoena authority.

Colorado Civil Rights Division



MAIN OFFICE

Civil Rights Division
Department of Regulatory Agencies
1560 Broadway, Suite 1050
Denver, CO 80202
(303) 894-2997
(800) 262-4845-Toll Free
(303) 894-7830-Fax

REGIONAL OFFICES

Grand Junction
222 South 6th Street, Suite 301
Grand Junction, CO 81501
(970) 248-7303

Pueblo
200 West B Street, Suite 234
Pueblo, CO 81003
(719) 542-1298

