

# Colorado Civil Rights Commission Colorado Civil Rights Division

## 2015 Annual Report

(Fiscal Year 2014-2015)



John Hickenlooper, Governor  
Joe Neguse, Executive Director, DORA  
Rufina A. Hernández, Director, Colorado Civil Rights Division  
[www.dora.colorado.gov/crd](http://www.dora.colorado.gov/crd)

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## Letter from the Commission

Greetings from the Colorado Civil Rights Commission:

It is my pleasure and the Commission's to present this annual report outlining the work and accomplishments of the Commission and the Civil Rights Division. In this report for State Fiscal Year 2015, you will find many highlights and statistics regarding the cases investigated, charges brought, findings, and resolutions achieved.

Your Civil Rights Commission is a group of seven volunteer members who take the equality of all people in our state very seriously and have committed ourselves to this important effort. The Commission strives to have representation from all areas of the state and major political parties. We come from diverse backgrounds and hope to represent many points of view in ensuring the civil rights of the people living in Colorado. We travel from across the state to attend meetings and spend many hours reading to understand and fairly assess the cases and appeals brought before us.

One of the areas that we are giving renewed attention is outreach and education. This year, with help and leadership from the Division, we have held Commission meetings and forums in places across the state including Sterling, Trinidad, Grand Junction, and Metro-Denver neighborhoods. Visiting many communities across the state is a challenge we look forward to embracing in the coming years.

Colorado is a leader in anti-discrimination statutes. The Commission is proud of our political leaders in taking these bold steps to ensure rights for all. Whether it is sexual orientation, age discrimination, sexual harassment, or charges based on race, national origin, creed, sex, or disability, the Commission has vigorously defended the rights of all people. In employment, housing, and public accommodation areas we have seen success in some very high-profile cases this year and are pleased with what has been accomplished. There will be continuing challenges to be confronted. With the strong professional work by the Civil Rights Division and the Attorney General's staff we feel confident that the success will continue.

We are privileged to serve on the Commission and committed to continuing the work on behalf of the people of Colorado. Thank you for placing your trust in us to do this vital work.

Respectfully,

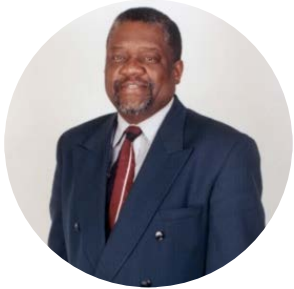


Heidi Jeanne Hess, Chair



**CIVIL RIGHTS COMMISSIONERS**

Commissioner	Representative For	Location	Term Expires
Marvin Adams	State or Local Gov't	Colorado Springs	3/13/2016
Anthony Aragon	State or Local Gov't	Denver	3/16/2019
Carol Fabrizio	Community At Large	Denver	3/16/2019
Heidi Hess	Small Business	Clifton	3/13/2017
Rita Lewis	Business	Denver	3/16/2019
Diann Rice	Community at Large	Loveland	3/13/2016
Dulce Saenz	Community at Large	Denver	3/13/2017



Commissioner Adams



Commissioner Aragon



Commissioner Fabrizio



Commissioner Hess



Commissioner Lewis



Commissioner Rice



Commissioner Saenz





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## CIVIL RIGHTS DIVISION DIRECTOR

Rufina A. Hernández is the Director of the Colorado Civil Rights Division. She is a graduate of the Georgetown University Law Center and is a licensed attorney in the State of Colorado. She began her career as a trial attorney with the Legal Aid Society of Metropolitan Denver, and has served as an Assistant Dean of Students at the University of Denver School of Law, where she addressed the needs of a diverse student community.

Ms. Hernández's most recent experience was as the executive director of the Campaign for High School Equity in Washington, D.C., a coalition of the nation's most prominent civil rights and education advocacy organizations focused on high school education reform, and she led the coalition's federal policy and advocacy agenda as well as its public outreach and education activities.



She previously acted as Director of the National Education Association's Human and Civil Rights Department, the Associate Director of the External Partnerships and Advocacy Department, and as the Executive Director of the Colorado-based Latin American Research and Service Agency (LARASA), where she advocated for policy reform in civil rights issues affecting the Latino community. She is excited to lead the Colorado Civil Rights Division as it continues its efforts to fight discrimination in Colorado.



## CCRC & CCRD OVERVIEW

### WHAT IS THE CIVIL RIGHTS COMMISSION?

- ▲ The **Colorado Civil Rights Commission** (Commission) -- is a seven-member, bipartisan panel appointed by the Governor of Colorado pursuant to the Colorado Anti-Discrimination Act.
- ▲ It has members representing various political parties, the community at large as well as businesses, and groups that have been historically discriminated against. The members come from all regions of the State of Colorado.

### WHAT FUNCTIONS DOES THE CIVIL RIGHTS COMMISSION PERFORM?

- ▲ The mission of the Commission is to review appeals of cases investigated and dismissed by the Civil Rights Division; reach out to various communities to provide awareness of civil rights issues and protections; conduct hearings involving illegal discriminatory practices; initiate investigations regarding discrimination issues with broad public policy implications; advise the Governor and General Assembly regarding policies and legislation that address discrimination; and adopt and amend rules and regulations that provide standards and guidelines regarding the State statutes prohibiting discrimination.

### WHAT IS THE CIVIL RIGHTS DIVISION?

- ▲ The **Colorado Civil Rights Division** (Division) -- is a neutral, fact-finding, administrative agency which provides civil rights education to the community, provides mediation and alternative dispute resolution services to resolve civil rights claims, and conducts investigations of charges of discrimination alleging violations of the Colorado Anti-Discrimination Act in the areas of employment, housing, and in places of public accommodation.

### WHAT IS THE CIVIL RIGHTS DIVISION'S INVESTIGATIVE PROCESS?

- ▲ To file a complaint, an aggrieved individual must sign a formal complaint, called a "Charge of Discrimination." Once a Charge is received by the Division, an investigation is launched. The investigation involves the collection of documentary evidence, witness interviews, and any other evidence relevant to resolving the Charge.
- ▲ Once the investigation is completed, the Division Director issues a decision as to whether sufficient evidence exists to support the allegations of discrimination. If the decision is that no discrimination occurred, a complainant may appeal the decision to the Commission.
- ▲ If the Division finds that discrimination occurred, the statute requires that the Division attempt to settle the matter through a mandatory mediation, called "conciliation." If conciliation is unsuccessful, the Commission determines whether to set the case for an adjudicatory administrative hearing.

## CCRC & CCRD OVERVIEW (Cont.)

### WHAT IS THE CIVIL RIGHTS DIVISION'S MEDIATION PROCESS?

- ▲ In order to resolve matters at the earliest possible stage in a case, the Division offers an Alternative Dispute Resolution (mediation) program early in an investigation, which can identify viable options for the early constructive resolution of cases.

### DOES THE CIVIL RIGHTS DIVISION OFFER TRAINING OR LEGAL ADVICE?

- ▲ Because the Division is a neutral agency, we cannot provide legal advice or provide an opinion on a claim that may be brought before the Division. However, the Division and Commission engage in outreach and education to inform Coloradans of issues in civil rights and discrimination law.
- ▲ The Division offers training programs to businesses and housing providers to help them ensure that they comply with the Colorado Anti-Discrimination Act (CADA). The Division partners with other organizations and through its own independent outreach efforts to provide - free of charge - trainings to better serve the communities of Colorado.
- ▲ The Division is increasingly providing internet-based access to all educational materials and has reached thousands of individuals and numerous communities to provide awareness of the anti-discrimination laws in Colorado. As statutory revisions are made affecting pertinent civil rights laws, updates are made to the brochures, teaching programs, and the Division's website which reflect those changes.

### HOW DOES THE CCRD & CCRC HELP SERVE COLORADANS?

- ▲ The mission of the Division and Commission is to promote equal treatment of all people in Colorado and foster a more open and receptive environment in which to conduct business, live, and work.
- ▲ We are dedicated to promoting fair and inclusive communities through the enforcement of the civil rights laws, mediation, education, and outreach.



## ENFORCEMENT - *Case Processing*

The primary mission of the Colorado Civil Rights Division (CCRD) is to enforce the anti-discrimination laws in the areas of employment, housing, and public accommodations under Title 24, Article 34, Parts 3-7, of the Colorado Revised Statutes. The Division investigates matters that come to our attention from complainants in the public or which the Commission files with the Division on its own motion. The Division also 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). To avoid duplication of effort and provide more efficient customer service to the public, the Division investigates matters that are filed with both EEOC and HUD (“dual filing”), as well as cases that have jurisdiction exclusive to Colorado law. The staff of the Division strives to provide the best customer service to the public, as well as to all parties in a case, by the fairest and most transparent methods possible.

Charges Filed with CCRD				
Fiscal Year	Employment Charges Filed	Housing Charges Filed	Public Accommodations Charges Filed	Total Charges Filed
FY12-13	601	149	58	808
FY13-14	689	140	76	905
FY 14-15	766 OF THIS NUMBER 576 ARE DUAL FILED	112 OF THIS NUMBER 107 ARE DUAL FILED	85 OF THIS NUMBER 0 ARE DUAL FILED (No Federal Jurisdiction)	963 OF THIS NUMBER 683 ARE DUAL FILED

Cases are filed with the Division by complainants alleging discrimination based on a protected class. A “protected class” is a group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. The specific Colorado Anti-Discrimination law falls under Title 24 of the Colorado Revised Statutes. As you will see in the chart on the next page, discrimination charges based on sex (gender), disability, and retaliation continue to be the highest in Fiscal Year 2014-2015, followed by age, race, and national origin. Retaliation is defined as an adverse action taken against someone who has opposed discrimination or participated in the investigation of a discrimination complaint.







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## PROTECTED CLASSES IN COLORADO

### *Housing - Employment - Public Accommodations (PA)*

Age (employment only)

Color

Creed

Disability

Familial status (housing only)

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/Transgender

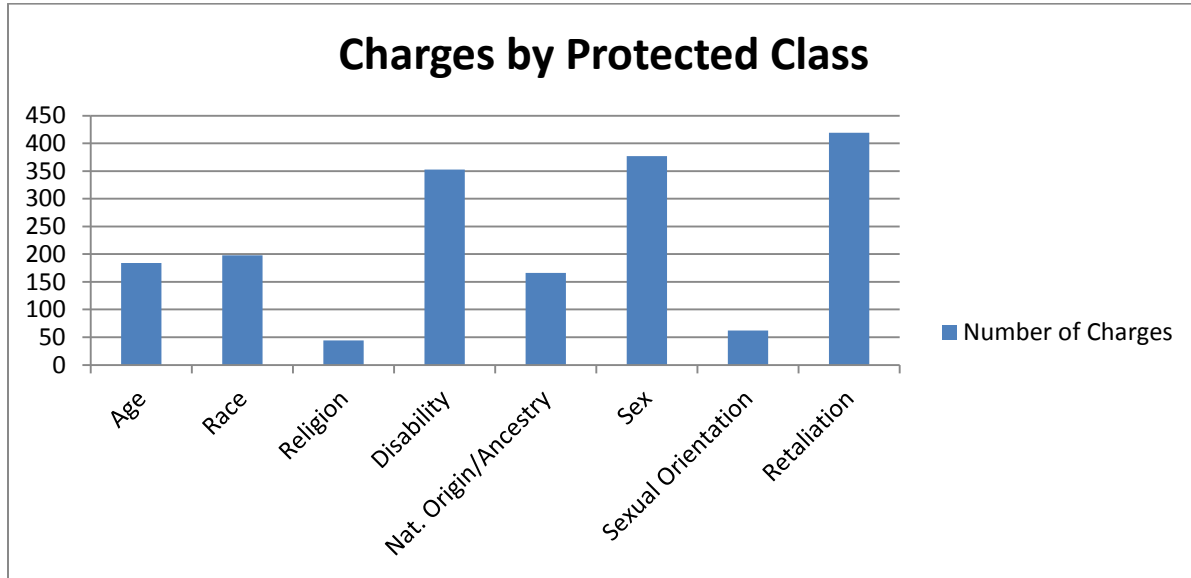
Basis of Charges Filed FY 2013-2015			
Basis *	FY12-13	FY13-14	FY 14-15
Age	163	173	184
Color	88	110	109
Creed/Religion	27	65	44
Disability	283	338	353
Familial Status	10	0	9
Marital Status	7	5	6
Marriage to Co-worker	2	7	8
National Origin/Ancestry	126	180	166
Race	144	188	198
Retaliation	334	348	419
Sex	301	373	340
Sex: Pregnancy	34	25	37
Sexual Orientation	66	81	62
Other	1	36	16

\* May be more than one basis per case





## Charges Filed by Major Protected Class



## Charges Filed by Type of Allegation

Allegation/Harm Alleged of Charges Filed FY 14-15			
Allegation *	FY 14-15	Allegation *	FY 14-15
Discharge	439	Unequal Pay	78
Terms and Conditions	178	Denial of Promotion	47
Harassment	349	Refusal to Hire	36
Retaliation	364	Discipline	113
Sexual Harassment	40	Constructive Discharge	119
Refusal to provide a Reasonable Accommodation/Disability	210	Aiding and Abetting Discriminatory Acts**	24
Demotion	37		

\* May be more than one basis per case

\*\*to help, assist, or facilitate the commission of a discriminatory act



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**Charges By County FY 14-15**

(Counties with 0 total Charges omitted. Counties outside Colorado omitted.)

County	Employment	Housing	Public Accom.	Total
Adams	87	11	6	104
Alamosa	1	0	0	1
Arapahoe	101	14	4	119
Archuleta	1	0	0	1
Boulder	18	3	4	25
Broomfield	5	0	0	5
Chaffee	2	0	0	2
Conejos	3	0	0	3
Costilla	0	1	0	1
Delta	3	0	0	3
Denver	112	40	16	168
Douglas	23	2	7	32
Eagle	2	1	0	3
El Paso	53	10	8	71
Elbert	1	0	0	1
Garfield	8	2	0	10
Gilpin	1	0	0	1
Grand	1	0	0	1
Jefferson	64	12	4	80
Kit Carson	1	0	0	1
La Plata	1	0	0	1
Lake	3	0	0	3
Larimer	16	6	0	22
Las Animas	0	0	1	1
Logan	1	0	0	1
Mesa	26	2	4	32
Montezuma	1	1	0	2
Montrose	3	0	0	3
Morgan	0	0	1	1
Otero	6	0	0	6
Ouray	1	0	0	1
Park	1	0	0	1
Pitkin	2	2	7	11
Prowers	1	0	0	1
Pueblo	35	3	0	38
Rio Grande	1	0	0	1
Routt	3	0	0	3
Saguache	1	0	0	1
Summit	3	0	0	3
Teller	3	0	0	3
Washington	0	0	1	1
Weld	23	2	4	29



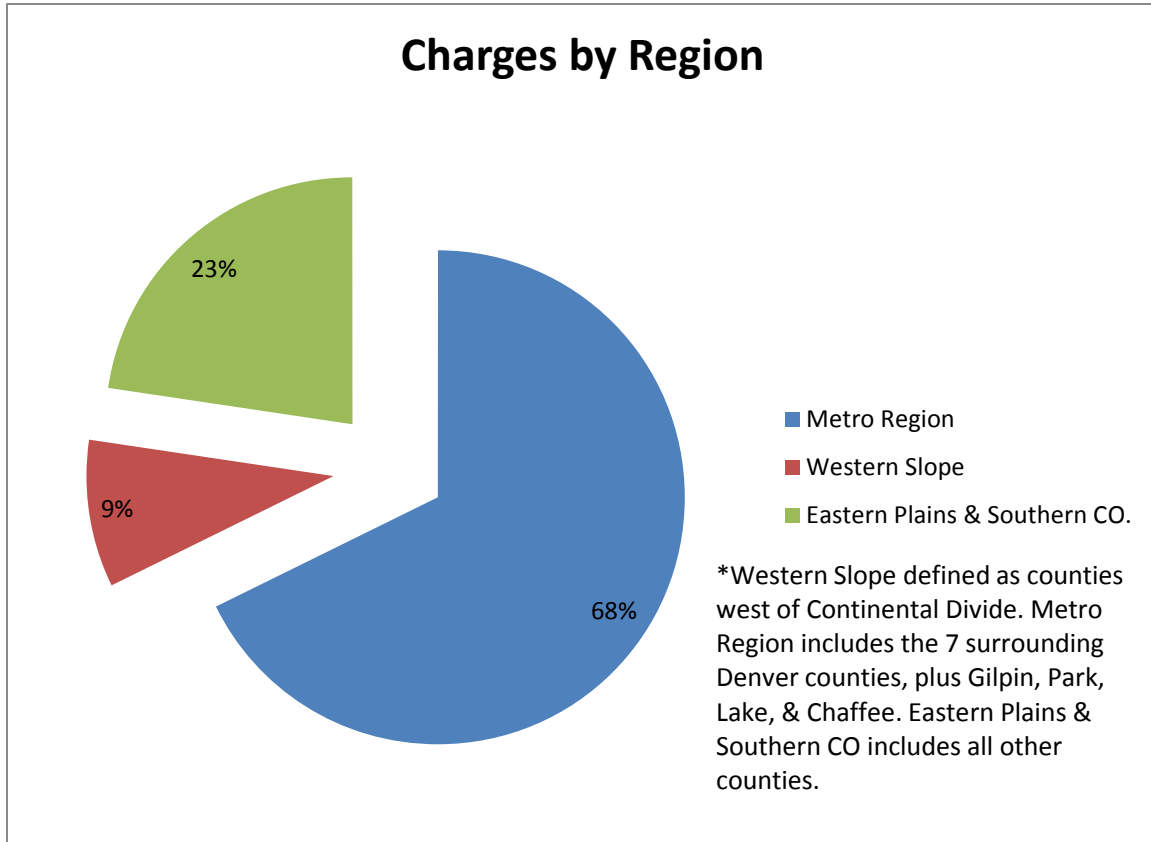


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## Charges Filed by Location (Cont.)



## INVESTIGATIONS & FINDINGS

When a formal complaint or “charge” is filed alleging discrimination, the Division’s investigative staff conducts a neutral investigation. Evidence is gathered from the parties in the case, witnesses are interviewed, and documents and records are requested. The investigation under Colorado law provides a transparent process to allow the parties the opportunity to provide information and evidence that corroborates their allegations and which refutes the allegations of the opposing party.

After the investigation, the Division Director makes a determination 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 attempt to resolve the matter through a mandatory mediation process (also called “Conciliation”). If the Director finds that there is “no probable cause” to believe that discrimination has occurred, the complainant has the right to appeal that determination to the Commission. In employment cases, if the case is dismissed, the complainant may file a legal complaint in civil court; however, in housing cases, the complainant may file in civil court at any time without needing to exhaust administrative remedies prior to filing in court. If the Director finds probable cause in an employment case and the case is not settled in conciliation, the Commission then decides whether the matter will be noticed for hearing before an Administrative Law Judge. In housing cases, if the Director finds probable cause and the case is not settled in conciliation, the statute requires that the case be set for hearing.

The below chart provides statistics concerning the number of “Probable Cause” and “No Probable Cause” determinations issued by the Director in the past three years.

Findings of CCRD						
Area of Jurisdiction	FY12-13		FY13-14		FY14-15	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	15	291	17	292	18	449
Housing	3	92	1	116	3	93
Public Accommodation	5	21	2	32	1	55



As explained, when the Director finds no probable cause in a case, the complainant may appeal the decision to the Commission within ten days. The Commission will review the matter taking into consideration the argument and evidence that proves existing evidence was misinterpreted or the determination was based on erroneous information. The following are the number of appeals filed with the Commission in the past three fiscal years.

Appeals FY 2013-2015				
Fiscal Year	Employment	Housing	Public Accommodation	Total
FY12-13	45	21	8	74
FY13-14	50	19	9	78
FY14-15	51	41	13	105

Cases are 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 Division strives to address as many cases as quickly as possible so that the parties are served by the process and matters can be resolved. The following chart demonstrates the number of cases that the Division closed in the past three fiscal years.

Cases Completed FY 2013-2015				
Fiscal Year	Employment	Housing	Public Accommodation	Total
FY12-13	432	119	34	585
FY13-14	547	139	48	734
FY14-15	644	122	67	833





## EMPLOYMENT

In the employment area, the Division receives a significant number of complaints each year involving alleged discrimination based on age, including claims of discharge, harassment, failure to hire claims, and failure to promote. In the investigation, the Division is seeking evidence as to whether an employer made an employment decision based on the age of an employee. An employer must demonstrate that an age-based employment qualification is reasonably necessary to the essence of its business. For instance, a mandatory retirement age for employees in a safety-related job may be allowed.

In the past, Colorado law protected only employees who were age 40 to 69. Since the passage of House Bill 13-1136, the law was expanded to protect employees age 70 and older. This brings Colorado in line with federal law, where such protections have been available since the passage of the Age Discrimination in Employment Act (ADEA) Amendments of 1986.

The Division carefully evaluates the specific facts of each age-based charge to ensure that the requirements of the employer’s business are balanced with the need to maintain age-neutral employment practices.

The Division found probable cause that the Complainant, a feedlot attendant on a farm, was harassed by co-workers because of his Mexican national origin. Following his complaint of a hostile environment to the owner, he was discharged. Investigation revealed that the complainant was regularly called “wetback” and “lazy Mexican” by his co-workers. When the Complainant informed the owner about the severe and pervasive harassment, instead of addressing the matter, the owner reassigned the Complainant to a different area of the farm, thus failing to promptly remedy and prevent such treatment from reoccurring. Prior to the commencement of a hearing, the matter was resolved. The Respondent agreed to provide CCRD-approved training to its entire staff, to report to CCRD future complaints of discrimination received from its employees, and to create and distribute a CCRD-approved handbook that includes an EEO and anti-harassment policy.

### Significant Cases

The Division found probable cause that the Complainant, an African American medical records clerk for a home-based health care facility, was discharged in retaliation for engaging in activity that is protected by applicable civil rights law. Within three hours after complaining to the Respondent’s human resources director that she believed she was being unequally compensated based on her race and intended to file a complaint of discrimination with CCRD, the Complainant was discharged. The Respondent’s argument that the Complainant was actually discharged for performance deficiencies was proven to be a pretext for discrimination, as the Complainant’s most recent performance review noted that she was projected to receive a pay raise in the near future. The case is currently pending a hearing set by the Commission.





# HOUSING

The types of cases the Division sees each year in the area of housing are varied, including issues from failure to rent to a family with children to failure to provide designated handicap parking spaces for residents. In this fiscal year, more than half of all housing discrimination complaints filed with the Division included an allegation of discrimination based on a physical and/or mental disability. Under Colorado civil rights laws, an individual with a disability may request a reasonable accommodation to have an assistance or companion animal reside with them in a housing unit, even if the housing provider has a "no pets" policy, because emotional support and service animals are not pets but are considered aids for individuals with the disabilities by assisting in the relief of symptoms related to a particular disability. The housing provider may request information about the individual's limitations and a letter from an appropriate health care professional indicating that the resident meets the definition of a person with a disability and that the accommodation to allow an assistance or companion animal is necessary in order for the resident to have equal opportunity to use and enjoy the subject housing.

Similar to employment cases, a large number of housing complaints filed with the Division include an allegation of discriminatory harm based on retaliation. Retaliation in housing is defined as being subject to adverse action because the individual has opposed unlawful discrimination. By way of example, opposing unlawful discrimination includes complaining of housing discrimination, acting as a witness in an investigation of discrimination, or requesting a reasonable accommodation for a disability. Under Colorado law it is illegal to take adverse action against someone because they have engaged in a protected civil rights related activity such as those mentioned above.

A Commissioner initiated complaint was filed against a homeowner's association, in which it was alleged that the homeowner's association took action against residents by charging them attorney's fees in retaliation for engaging in a protected civil rights related activity, such as complaining of discrimination based on membership in a protected class. The complaint alleged that the fees had a chilling effect on the residents' ability to exercise their fair housing rights. The Division found Probable Cause based on the evidence collected that retaliation for complaining about alleged discriminatory actions had occurred. The parties engaged in conciliation, and a mutually acceptable settlement agreement was reached. The HOA agreed to reimburse the parties the legal fees assessed, participate in fair housing training, and report to the Commission on a quarterly basis for a period of four years any complaints of discrimination received by the HOA.



Two Complainants alleged that they were denied rental due to their disability status. The Complainants alleged that they contacted a potential landlord, the Respondent, about a vacant apartment. The landlord asked one Complainant about his source of income, and he responded that he received social security disability income. The Respondent then inquired about the nature of his disability. After the Complainant disclosed the nature of his disability, the landlord said he would not rent to him because he was afraid that the stairs in the apartment were too steep and did not want to be held liable if the Complainant fell on the stairs. The Division found Probable Cause based on the evidence collected during the investigation that the Respondent refused to rent to the Complainants based on disability status. The parties reached a settlement agreement. The Respondent agreed to participate in fair housing training, and the Complainants received a financial remedy.





## PUBLIC ACCOMMODATIONS

Colorado's laws also protect against discrimination in places of Public Accommodation, such as a library or at a theatre. The law prohibits the denial of 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 to the public and any place offering services to the public. Other examples include stores, restaurants, hotels, hospitals, parks, museums, sporting or recreational facilities, campsites, hospitals, 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 legally post a sign which states or implies, "We reserve the right to refuse service to anyone."**

Complaints filed with the Division in the area of Public Accommodations this year were primarily based on race and disability; however, there has been a consistent rise in the number of cases involving allegations of discrimination based on sexual orientation and transgender status. Although under Colorado law both are under the same protected class, sexual orientation and transgender status are not synonymous. Transgender status relates to a person whose gender identity or gender expression does not match the gender assigned to her/him at birth. To clarify, gender identity is a person's innate sense one's own gender. Gender expression is a person's external appearance, characteristics, or behaviors typically associated with a specific gender. Because gender identity is based on what an individual feels internally, when addressing transgender individuals, businesses should be guided by a person's description of gender, not necessarily outward appearance.

Upon learning that a friend had been turned away by a liquor store for having a service dog, the Charging Party, who also had a disability, entered the liquor store not for the purpose of making a purchase but to "test" the liquor store with his own dog. A service dog is trained to assist a person with a disability and a person with a disability has a right to be accompanied by a service dog in a place of public accommodation. The Charging Party became involved in a verbal dispute with the store owner and police were called. The liquor store settled the companion case with a letter of apology. The Director found probable cause, finding that the Respondent intimidated and denied full and equal enjoyment of a place of public accommodation to the Charging Party based on his disability.

Significant Cases

A male charging party dressed in drag and attempted to enter a bar that caters to gay patrons. The bar denied the Charging Party access citing identification that did not match his appearance, despite removing his wig and sunglasses. The Director determined that there was sufficient evidence to find that the Respondent discriminatorily denied the Charging Party the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations in a place of public accommodation due to the Charging Party's sex and sexual orientation.





## ALTERNATIVE DISPUTE RESOLUTION

In order to encourage parties in a case to consider potential resolutions of matters under investigation, the Division offers Alternative Dispute Resolution (ADR) as a time and cost savings alternative to investigation and litigation. This mediation program is provided at no cost to the parties. The process benefits the parties in that it allows open discussion and resolution of a matter at its 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 the parties where a Division mediator acts as a neutral intermediary to assist the parties in reaching a compromise. As previously discussed, the ADR unit also conducts compulsory conciliation as required by statute after probable cause is found in a case.

Alternative Dispute Resolution									
Fiscal Year	Mediations			Conciliations			Total		
	Mediations Held	Mediations Resulting in Settlement	Value of Mediated Settlements	Conciliations Held	Conciliations Resulting in Settlement	Value of Conciliated Settlements	Total Held	Total Resulting in Settlements	Total Value
FY12-13	116	80	\$578,045	25	5	\$21,510	141	84	\$599,585
FY13-14	70	27	\$367,163	26	5	\$98,954	96	32	\$456,117
FY14-15	92	44	\$542,685	22	10	\$256,250	114	54	\$798,935

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. Above are some statistics that demonstrate the work and outcomes of the program.

To improve customer service, reduce resources, and increase benefit to the parties in a case, the Division strives to decrease the time it takes to conduct mediations and conciliations. In this fiscal year, the Division was able to conduct 82% of its formal mediations within 45 days of the date the request for mediation was made.





## OUTREACH & EDUCATION

Public education is a key part of the Commission’s and Division’s mission. Through the outreach and education program, we can raise public awareness of civil rights issues and knowledge of the laws prohibiting discrimination in employment, housing, and places of public accommodations in Colorado.

In addition to the monthly educational training in Anti-Discrimination in Employment and Fair Housing provided in the main office in Denver, outreach members of the staff travel around the state providing educational presentations to businesses and individuals. In Fiscal Year 2014-2015, in addition to its regular training classes offered in Denver, the Division conducted training and outreach events in Cortez, Durango, Alamosa, Longmont, Greeley, Estes Park, Trinidad, La Junta, Colorado Springs, Grand Junction, Canon City, La Veta, Walsenburg, Jefferson County, Lamar, Weld County, Fort Collins, Aurora, Pueblo, and Salida.

The Division partners with other organizations to provide outreach, and leverages resources by working with various organizations including city councils, academic institutions, non-profit organizations, and other government agencies. This allows the Division to provide a greater ability to educate the public regarding anti-discrimination laws.

The Division maintains a website at [www.dora.colorado.gov/crd](http://www.dora.colorado.gov/crd) where the public can learn about the Division and Commission, enroll in upcoming trainings, obtain information about anti-discrimination laws and rules, and download forms to file a complaint of discrimination. *Members of the public are always encouraged to let us know how the website is assisting them with their needs.*

Trainings & Outreach Events				
Fiscal Year	Number of Trainings	No. of Trainings as Part of a Settlement	Number of Outreach Events	Total Trainings and Outreach
FY12-13	60	8	80	140
FY13-14	26	3	36	62
FY14-15	47	2	21	70





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## 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 the 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.

Budget - FY 2014-2015		
Source	Amount	Full-Time Employees
State General Funds	\$2,090,149	21.4
Grant Funds	\$869,440	10
Total	\$2,959,589	31.4





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## HISTORY OF CIVIL RIGHTS 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. 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 passed its first Sunset Review and was placed under the Department of Regulatory Agencies. The legislature also consolidated all





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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 (40-69 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 in employment cases,
  - made retaliation for 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 modifications" 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 10<sup>th</sup> 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 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 the Civil Rights Commission to initiate complaints; and
  - extended the Division’s subpoena authority.
- 2013 The legislature passed the *Colorado Job Protection and Civil Rights Enforcement Act of 2013* which was signed by the Governor on May 6, 2013. Effective January 1, 2015, the *Act* expands the remedies a plaintiff may claim in a lawsuit in which intentional employment discrimination is proven to include attorneys’ fees, compensatory and punitive damages, and front pay. Additionally, effective January 1, 2015 the *Act* permits age claims to be made by employees whose age is 40 years and over, with no ceiling as to the maximum age an individual may be in order to bring a claim of age discrimination.



# Colorado Civil Rights Division

[www.dora.colorado.gov/crd](http://www.dora.colorado.gov/crd)



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