

Colorado Civil Rights Commission

Colorado Civil Rights Division

2017 ANNUAL REPORT



Hon. John W. Hickenlooper, Governor

Marguerite Salazar, Executive Director, Department of Regulatory Agencies

Aubrey Elenis, Director, Colorado Civil Rights Division

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LETTER FROM THE DIRECTOR



Aubrey Elenis, Esq.

Dear Coloradans,

As Director of the Colorado Civil Rights Division, I am excited to share this report with you which highlights the work of Division and the Commission during the 2016-2017 fiscal year.

This year, the Division launched a new online filing and case management system, CaseConnect, which allows parties to file intake information and submit evidence. Parties are able to communicate with staff through this system and can check on the status of their case throughout the investigative process. The Division is pleased to be able to offer parties an additional method of communication, and provide updates in a more efficient and expeditious manner. Over half of the discrimination complaints that the Division receives are now submitted through CaseConnect.

The Division has also seen an increase in the number of discrimination complaints filed this fiscal year. In order to address discrimination complaints in a more timely manner, the Division made available additional staff for the Division's Alternative Dispute Resolution (ADR) program. Through the ADR program, the Division provides parties the option to utilize its neutral professional mediators to facilitate discussions and negotiations as they attempt to resolve the charge and dispute before the investigation process commences. Parties can save time, resources, and unwanted stress by participating in good faith to reach a mutually acceptable solution through the ADR process.

The Division is dedicated to serving all Coloradans, and I encourage you to learn more about the Division and the Commission in this annual report, and by visiting our website: <https://www.colorado.gov/dora/civil-rights>

Regards,

A handwritten signature in black ink that reads "Aubrey Elenis".

Aubrey Elenis, Director

LETTER FROM THE COMMISSION

Dear Coloradans,

We are pleased to present this annual report outlining the work and accomplishments of the Commission and the Civil Rights Division during the 2016-2017 state fiscal year. In this report for fiscal year 2016-17, you will find information regarding the powers and duties of the Commission, the Division's intake, investigation and Alternative Dispute Resolution (ADR) processes, as well as highlights and statistics regarding cases investigated, types of allegations filed, and case outcomes.

The Colorado Civil Rights Commission is a seven member volunteer board appointed by the Governor and confirmed by the Colorado State Senate. The Commission is tasked with eliminating unfair or discriminatory practices through education and outreach and partnering with other agencies and organizations to plan and provide education programs on anti-discrimination laws. The Commission also reviews appeals submitted by Complainants in which a No Probable Cause determination has been issued in their case. In addition, the Commission decides whether or not a case should be set for hearing before an Administrative Law Judge when a Probable Cause decision is issued, and the parties are unable to resolve the case through conciliation, which is a process offered through the Division's Alternative Dispute Resolution program.

We are committed to partnering with communities across Colorado to proactively advance equal rights in the most cost effective manner and least disruptive to the regulated community. We encourage you to attend our monthly meetings held in Denver and around the state so that you can hear about the current activities of the Commission and the Division and participate in discussions regarding the civil rights issues in your local communities. We also encourage you to visit our website, <https://www.colorado.gov/dora/civil-rights>, to learn more about the Colorado Anti-Discrimination Act, its enforcement, and as well as current news and events.

We are privileged to serve on the Commission and we are committed to enforcing the state's anti-discrimination laws in the areas of employment, housing, and places of public accommodation with support from the Colorado Civil Rights Division, the Department of Regulatory Agencies, and the Attorney General's office. Thank you for the opportunity to engage in this important work.

Respectfully,

The Colorado Civil Rights Commission

MEET THE COMMISSION



Anthony Aragon

Democrat,
Representing State or
Local Government
Entities, Denver

Term expires: 3/16/19



Ulysses J. Chaney

Republican,
Representing
state/local
government entities,
Colorado Springs

Resigned: 2/1/17



Dr. Miquel Elias

Republican,
Representing Commun-
ity at Large, Pueblo

Term expires: 3/13/20



Carol Fabrizio

Unaffiliated,
Representing
Business, Denver

Term expires: 3/16/19



Heidi Hess

Democrat,
Representing
Community at Large,
Clifton

Resigned: 1/9/18



Rita Lewis

Democrat,
Representing Small
Business, Denver

Term expires: 3/16/19



Jessica Pocock

Unaffiliated,
Representing
Community at Large,
Colorado Springs

Term expires: 3/13/20



CCRC & CCRD OVERVIEW

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.

Functions of the Civil Rights Commission

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.

Civil Rights Division

The Colorado Civil Rights Division (Division) is a neutral, fact-finding, administrative agency that 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.

Civil Rights Division's Investigative Process

After a complaint is filed, an investigation is initiated. The investigation involves the collection of documentary evidence, witness interviews, and any other evidence relevant to resolving the complaint.

Once the investigation is completed, the Division Director or her designee 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 with the parties through a mandatory mediation conference. If mediation is unsuccessful, the Commission determines whether to set the case for an adjudicatory administrative hearing.

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.

Civil Rights Division's Training/Legal Advice Offerings

Because the Division is a neutral agency, it 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 also partners with other organizations and through independent outreach efforts 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 that 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 its 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

Cases are filed with the Division by Complainants alleging discrimination based on a protected class. A “protected class” is a characteristic of a person which cannot be targeted for discrimination. The specific Colorado Anti-Discrimination law falls under Title 24 of the Colorado Revised Statutes. As shown on the next page, discrimination charges based on retaliation, disability, and sex continue to be the highest in Fiscal Year 2016-2017, followed by race, age and national origin. Retaliation is an adverse action taken against someone who has opposed discrimination or participated in the investigation of a discrimination complaint or has engaged in other protected activity, such as requesting a reasonable accommodation for a disability.

Fiscal Year	Employment	Housing	Public Accommodation	Total Charges Filed
FY14-15	766	112	85	963
FY15-16	737	154	98	989
FY16-17	903	159	76	1138

PROTECTED CLASSES IN COLORADO

Housing, Employment, and Public Accommodations (PA)

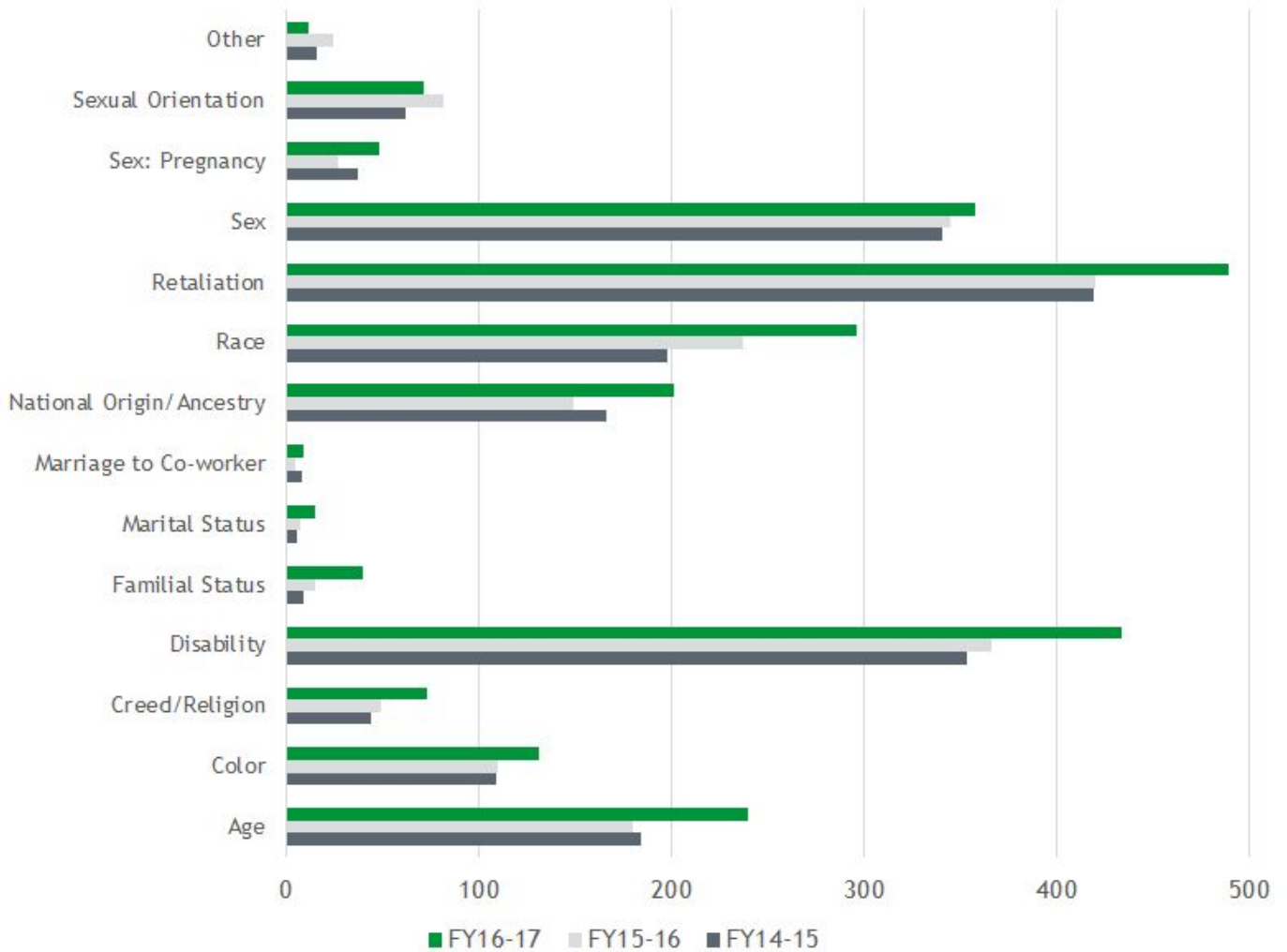
Age (employment only)	National Origin/Ancestry
Color	Race
Creed	Religion (employment and housing only)
Disability	Retaliation (for engaging in protected activity)
Familial status (housing only)	Sex
Marital status (housing and PA only)	Sexual Orientation/Transgender
Marriage to Co-worker (employment only)	

Basis of Charges Filed FY15-FY17

Basis*	FY14-15	FY15-16	FY16-17
Age	184	180	240
Color	109	110	131
Creed/Religion	44	49	73
Disability	353	366	433
Familial Status	9	15	40
Marital Status	6	7	15
Marriage to Co-worker	8	5	9
National Origin/Ancestry	166	149	201
Race	198	237	296
Retaliation	419	420	489
Sex	340	345	357
Sex: Pregnancy	37	27	48
Sexual Orientation	62	82	71
Other	16	24	12

* May be more than one basis per case

Charges Filed by Major Protected Class



Charges Filed by Allegation Type



Charges Filed by County FY16-17

[Consider including 1-2 sentences introducing the chart here.]

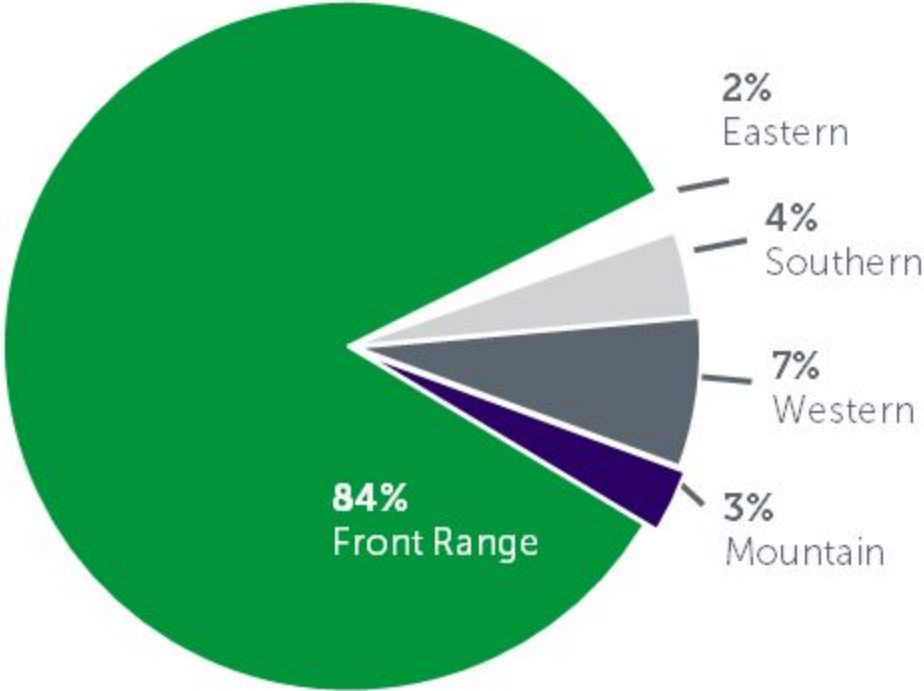
County	Employment	Housing	Public Accommodations	Total
Adams	73	6	1	80
Alamosa	2	0	2	4
Arapahoe	151	12	21	184
Archuleta	2	0	1	3
Baca	0	0	0	0
Bent	0	0	0	0
Boulder	59	4	7	70
Broomfield	12	2	2	16
Chaffee	2	0	0	2
Cheyenne	1	0	0	1
Clear Creek	0	0	0	0
Costilla	0	0	0	0
Conejos	0	0	0	0
Crowley	1	0	0	1
Custer	3	0	0	3
Delta	5	0	1	6
Denver	193	29	38	261
Douglas	35	3	5	43
Eagle	2	0	0	2
Elbert	1	0	0	1
El Paso	49	19	9	77
Fremont	8	0	0	8
Garfield	17	0	0	17
Gilpin	1	0	2	3
Grand	1	0	0	0
Gunnison	3	1	1	5
Hinsdale	0	0	0	0

Huerfano	1	0	0	1
Jackson	2	0	0	0
Jefferson	75	7	10	92
Kiowa	0	0	0	0
Kit Carson	1	0	0	1
La Plata	5	1	0	5
Lake	0	0	0	0
Larimer	45	7	2	54
Las Animas	3	0	1	4
Lincoln	0	0	0	0
Logan	11	1	2	14
Mesa	22	1	1	24
Mineral	0	0	0	0
Moffat	2	0	0	2
Montezuma	2	0	0	2
Montrose	8	0	1	9
Morgan	7	0	0	7
Otero	3	0	0	3
Ouray	1	1	0	2
Park	0	2	0	2
Phillips	0	0	0	0
Pitkin	1	0	0	1
Prowers	2	0	0	2
Pueblo	21	0	5	26
Rio Blanco	0	0	0	0
Rio Grande	4	0	0	4
Routt	3	0	0	3
Saguache	0	0	0	0
San Miguel	2	0	1	3
Sedgwick	0	0	0	0
Summit	4	0	0	4
Teller	5	0	0	5
Washington	0	0	0	0

Weld	34	2	1	37
Yuma	2	0	0	2

*some county data missing from online filings

Charges Filed by Region



INVESTIGATIONS & FINDINGS

When a formal complaint is filed alleging discrimination, the Division’s investigative staff conducts a neutral investigation. Evidence is gathered from both 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 or her designee 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	FY14-15		FY15-16		FY16-17	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	18	449	16	271	16	383
Housing	3	93	15	81	14	121
Public Accommodation	1	55	2	55	2	66

Appeals

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 new evidence presented that was not available during the investigation process. The following are the number of appeals filed with the Commission in the past three fiscal years.

Fiscal Year	Employment	Housing	Public Accommodation	Total
FY14-15	51	14	13	78
FY15-16	47	16	25	88
FY16-17	63	23	16	102

Cases Completed

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.

Fiscal Year	Employment	Housing	Public Accommodation	Total
FY14-15	644	122	67	833
FY15-16	563	118	62	743
FY16-17	751	183	91	1025

EMPLOYMENT CASES

Below are summaries of cases in which allegations of retaliation and discrimination based on age were made and in which the Division's examination of evidence supported the allegations asserted. Retaliation occurs when someone is subject to adverse action by a Respondent for engaging in protected civil rights related activity, for example, complaining of discriminatory conduct, participating in a civil rights related investigation, or requesting a reasonable accommodation for a disability.



Significant Employment Cases

The Division found Probable Cause that the Complainant, a derrick hand for a drilling contractor, was retaliated against when he complained of discrimination. The Complainant alleged that a co-worker pointed a BB gun at him and called him “bitch” and “nigger.” The evidence demonstrates that the Complainant reported the allegations of discrimination to his supervisor. The evidence shows that Complainant was discharged within a few days of reporting the allegations of discrimination to his supervisor. The Respondent asserted that it offered to re-assign the Complainant to another work site, however, the Complainant refused, and because he did not want to be reassigned to another work site, was discharged. The evidence demonstrated that the Respondent's assertions were pre-textual and that the Complainant was discharged based on retaliation because he complained that he was being discriminated against based on his race.

The Complainant, age 61, was employed by the Respondent, a construction company, as a laborer. He worked for the Respondent for approximately one year when he was assigned to a new work crew and a new manager. The Complainant alleged that on a daily basis, the new manager would “yell” at workers and tell them they were not working fast enough, and would disparage older workers, suggesting that “they weren't good for anything.” The Respondent conceded that it had received several complaints about this manager for allegedly telling older employees that they were “pieces of dirt, lazy, and not worth a shit,” wanted to fire them, and planned on hiring younger employees to replace them. Interviews conducted with other employees confirmed the Complainant's allegations of harassment based on his age. While the Respondent removed the manager from this particular work crew, remedial action by an employer does not negate a claim of harassment when the harasser is a supervisor or manager.

HOUSING CASES

Allegations of discrimination based on familial status and race were supported by evidence obtained in two cases filed with the Division during the 2016-2017 fiscal year. Familial status is a protected class specifically in housing. Familial status refers to having a child or children under the age of 18 in the household. It also includes individuals in the process of adopting or obtaining custody of children under the age of 18, as well as pregnant women.

Significant Housing Cases

The Complainant rented an apartment from the Respondent landlords and signed another lease after living at the property for a year. Prior to her lease expiring, she expressed interest in renewing the lease for another year, and the landlords agreed to renew it without a rent increase. The Complainant alleges that she later informed her landlords that she was pregnant. The Respondent landlords agree that they told the Complainant that they had concerns about the Complainant living in the apartment with an infant, as they were concerned the infant would cry, which could lead to noise complaints from her neighbors. The landlords then informed the Complainant they would be raising her rent when her lease expired, and even though the Complainant agreed to pay the increase, the Respondents refused to renew her lease, stating that they planned to renovate the unit and possibly move into the unit themselves. The evidence demonstrated that the landlords did not move into the unit or renovate it, and instead, posted the unit for rent approximately 2 weeks after the Complainant moved out. The evidence demonstrated that none of the other tenants' leases were non-renewed, and none of the other tenants experienced rent increases as did the Complainant. The evidence obtained found that the landlords' reasoning for the non-renewal of the Complainant's lease was pretextual. The Division issued a Probable Cause determination that the Complainant was denied housing based on her familial status.

The Complainant filed a charge of discrimination with the Division alleging that she was denied housing based on her race/color (African American/Black). She rented an apartment from the Respondent owner for over a year without incident. The Respondent owner retained the services of a new property management company, who threatened the Complainant with eviction for allegedly smoking marijuana on the property and for damage to the property allegedly made by her children. The Complainant asserted that she does not smoke marijuana. Neighbors of the Complainant who are not African American/Black were interviewed, who confirmed that they did smoke marijuana. The evidence obtained during the investigation demonstrated that the Respondent property management company did not take steps to determine where the marijuana smoke was coming from, and assumed that it came from the Complainant's unit. The Respondent reported that the Complainant's lease was not renewed for several incidents involving the Complainant's children, such as breaking windows and throwing rocks at residents. The Respondent maintained that local law enforcement was called to address these incidents. The Division contacted the local law enforcement agency and records from the agency revealed that the reports involving broken windows at the property and rocks thrown at residents did not involve the Complainant or her children, but the children of other residents at the property not of the Complainant's protected class.

The evidence demonstrated that these residents did not receive Demands for Compliance or Possession, and that their leases were renewed upon request. The Complainant's lease was not renewed, despite her request to do so. The evidence obtained during the investigation demonstrated that the Complainant was denied housing based on her race/color (African American/Black).

PUBLIC ACCOMMODATION CASES

Colorado's laws also protect against discrimination in places of Public Accommodation, such as a library or 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 post a sign which states or implies, "We reserve the right to refuse service to anyone."

Significant Public Accommodation Cases

The Complainant asserted that he was denied services due to his disability (hearing impairment). The evidence demonstrated that he attempted to obtain services from a company that provides services and technologies related to vehicle operation. The Complainant requested that a sign language interpreter be present to relay how to operate the technology that was being installed in his vehicle. The Respondent refused to provide an interpreter, forcing the Complainant to communicate in writing, even though American Sign Language is his first language, not English. The evidence demonstrated that communicating through writing was not effective for the Complainant, and that the Respondent had the resources to provide an interpreter, but refused to do so. The Division issued a Probable Cause finding in the case.

The Complainant filed a charge with the Division alleging that she was harassed based on her sex, female. The Complainant was a guest at the Respondent hotel. The Complainant asserted that a male valet carried her luggage to her room. The Complainant reported that the valet led her to a condominium instead of her room, and asked her if she would like to "hang out" and noted that the walls of the condominium were "soundproof." The Complainant states that she declined the invitation and was able to escape the situation when another person walked by. The Complainant avers that later in the evening the valet called her room and asked her if he could come up to her room and drink with her. She

declined. She states that she later saw the valet standing outside of her door, waiting for her to come out of her room. The Complainant contends that she felt unsafe and immediately checked out of the hotel. She went to the front desk and asked for a refund, which was provided. The front desk staff asked her why she was not satisfied with her stay, and she reported her concerns about the valet's behavior. The evidence shows that the Respondent immediately conducted its own investigation into the Complainant's allegations, and promptly terminated the employment of the valet. The Division determined that the Respondent had not discriminated against the Complainant based on her sex, as the Respondent took reasonable care to prevent and promptly correct any adverse treatment based on the Complainant's sex.



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 mediation as required by statute after probable cause is found in a case.

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 Held	Total Resulting in Settlements	Total Value
FY14-15	92	44	\$ 542,685	22	10	\$256,250	114	54	\$798,935
FY15-16	114	69	\$949,029	28	17	\$169,021	142	86	\$1,118,050
FY16-17	128	50	\$2,663,406	39	11	\$206,850	167	61	\$ 2,870,256



The Division makes it a priority to provide parties with the opportunity to settle cases as often as possible. In many cases it proves to be a beneficial resolution. 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 expended, 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 88% of its formal mediations within 45 days or less 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 2016-2017, in addition to its regular training classes offered in Denver, the Division conducted training and outreach events in Longmont, Greeley, Fort Collins, Cortez, Colorado Springs, Grand Junction, Cañon City, Black Hawk, Aurora, Pueblo, Durango, Gunnison, Montrose, Boulder and Westminster.



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

The Division also maintains a website at <https://www.colorado.gov/dora/civil-rights> 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.

Training & Outreach Events

Fiscal Year	Number of Trainings	No. of Trainings as Part of a Settlement	Number of Outreach Events	Total Trainings and Outreach
FY14-15	47	2	21	68
FY15-16	47	5	19	66
FY16-17	45	5	26	71

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 2016-2017 for FTEs

Source	Amount	Full-Time Employees
State General Funds	\$1,804,280	21.2
Grant Funds	\$672,138	6
Total	\$ 2,476,418	27.2

HISTORY OF CIVIL RIGHTS IN COLORADO

1876

The Colorado Constitution was ratified after 100 Black men demanded and were given the right to vote.

1885

The Colorado General Assembly passed the Public Accommodations Act prohibiting discrimination on the basis of race or color.

1893

Colorado expanded its laws and granted women the right to vote.

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 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 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 exclude churches and other religious organizations from jurisdiction under the public accommodation statute.

2009

The 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 state 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.

2016

The state legislature passed the Pregnancy Workers Fairness Act of 2016, which was signed by the Governor on June 1, 2016 and went into effect August 10, 2016. This Act requires employers to provide reasonable accommodations to pregnant workers and applicants, as well as conditions related to pregnancy, such as recovery from childbirth. If an employee/applicant requests an accommodation related to pregnancy/childbirth, the employer must engage in an interactive process with the employee/applicant and provide reasonable accommodations to perform the essential functions of the position unless the accommodation would pose an undue hardship on the employer’s business.