

ANNUAL REPORT: FISCAL YEAR 2018

Colorado Civil Rights Commission Colorado Civil Rights Division



COLORADO

Department of
Regulatory Agencies

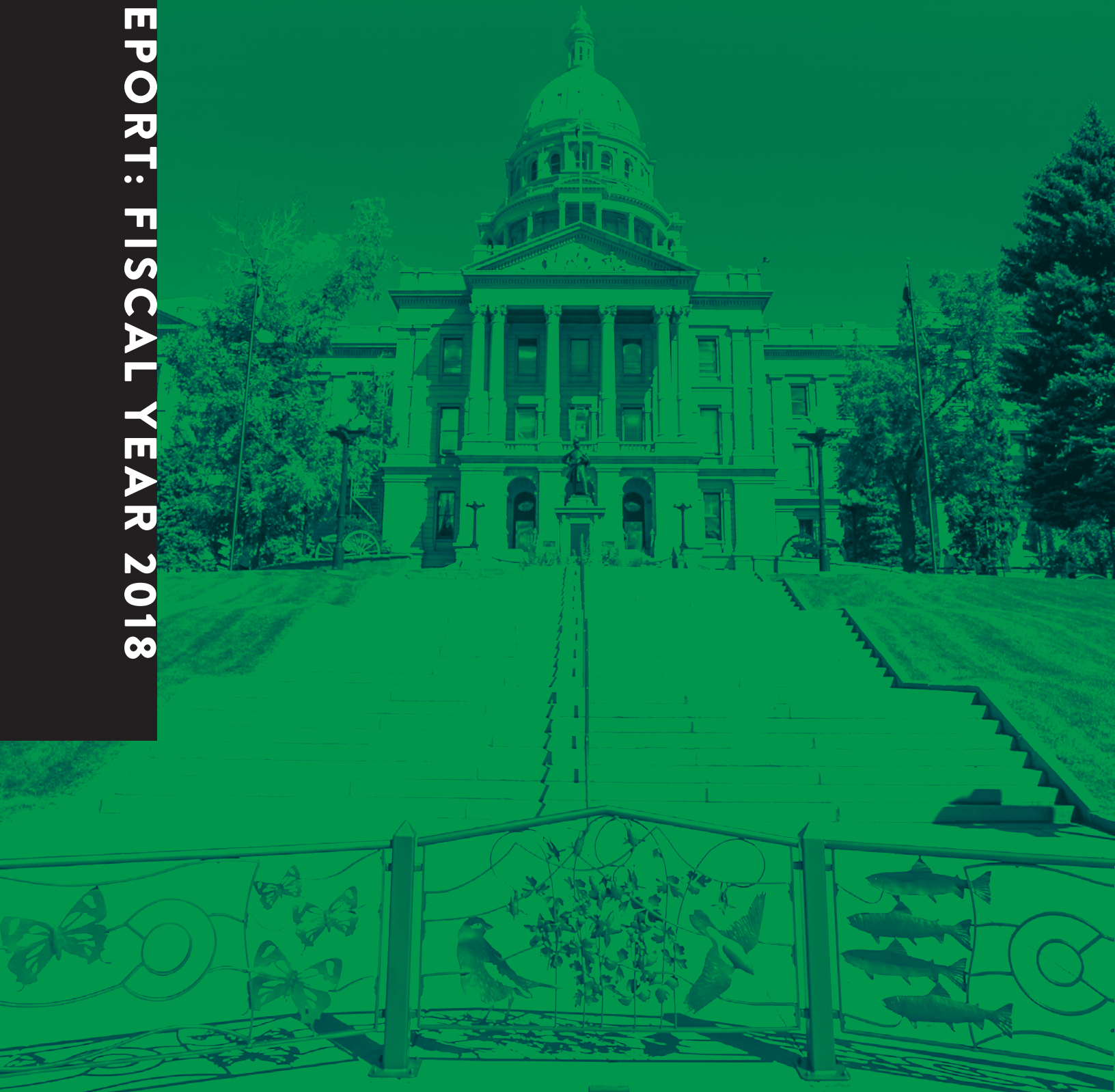




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WHAT WE DO

The Colorado Civil Rights Division is charged with enforcing the State of Colorado’s anti-discrimination laws in the areas of employment, housing and public accommodations. The CCRD promotes and protects civil rights throughout the State, and works to eliminate and prevent discrimination through investigation, education, mediation and enforcement.



Letter from the Director

Dear Coloradans:

I am honored to share this report with you, which highlights the work of the Division and the Commission during the 2017-2018 fiscal year. The Colorado Civil Rights Division investigates complaints of discrimination in the areas of employment, housing, and places of public accommodation based on an individual's protected class status, such as sex, disability, sexual orientation, race, color, religion, national origin, age, or marital status.

During the 2017-2018 fiscal year, the Division underwent a sunset review, which examines whether or not a government program or agency is still needed. Sunset reviews analyze and evaluate regulatory programs to determine if the regulation meets the needs of the public and if the agency or program should continue as outlined in statute. The review also made recommendations to update the statutes that define the Division and Commission, their duties, as well as the statutes enforced. The state legislature voted to continue the Division and Commission for another nine years, at which time another sunset review will be conducted.

The Division continues to receive an increasing number of discrimination complaints filed in comparison to years past. The Division strives to process complaints in an efficient and timely manner, even when demand for the Division's services is rising. The Division saw an increase in the number of cases filed after the Division's online filing system, went "live" in November 2016. The Division is currently partnering with the State of Colorado Office of Information and Technology (OIT) to enhance its online filing and case management system, CaseConnect, in order to capture more complaint information and case processing steps online. The Division partners with organizations such as the Colorado Housing and Finance Authority (CHFA), Denver Metro Fair Housing Center, county and city governments, as well as other organizations statewide to provide outreach and education related to the Division's processes and procedures, as well as training in anti-discrimination laws, in order to expand awareness about the rights and responsibilities of individuals, business and organizations as defined in the Colorado Anti-Discrimination Act (CADA). The Division is dedicated to serving all Coloradoans, and I encourage you to learn more about the Division and the Commission in this annual report, and by visiting our website: www.colorado.gov/dora/civil-rights

Regards,

A handwritten signature in black ink that reads "Aubrey Elenis". The signature is written in a cursive, flowing style.

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 2017-2018 state fiscal year. In this annual report, 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 individuals, businesses, organizations, and communities statewide to promote awareness of the state's anti-discrimination laws in the areas of employment, housing and places of public accommodation. 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, 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 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

Colorado Civil Rights Commissioners



Anthony Aragon



Dr. Miquel "Michael" Elias



Carol Fabrizio



Charles Garcia



Rita Lewis



Ajay Menon



Jessica Pocock



Heidi Hess

Heidi Hess served until January 9, 2018

CCRC and 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 regions across 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

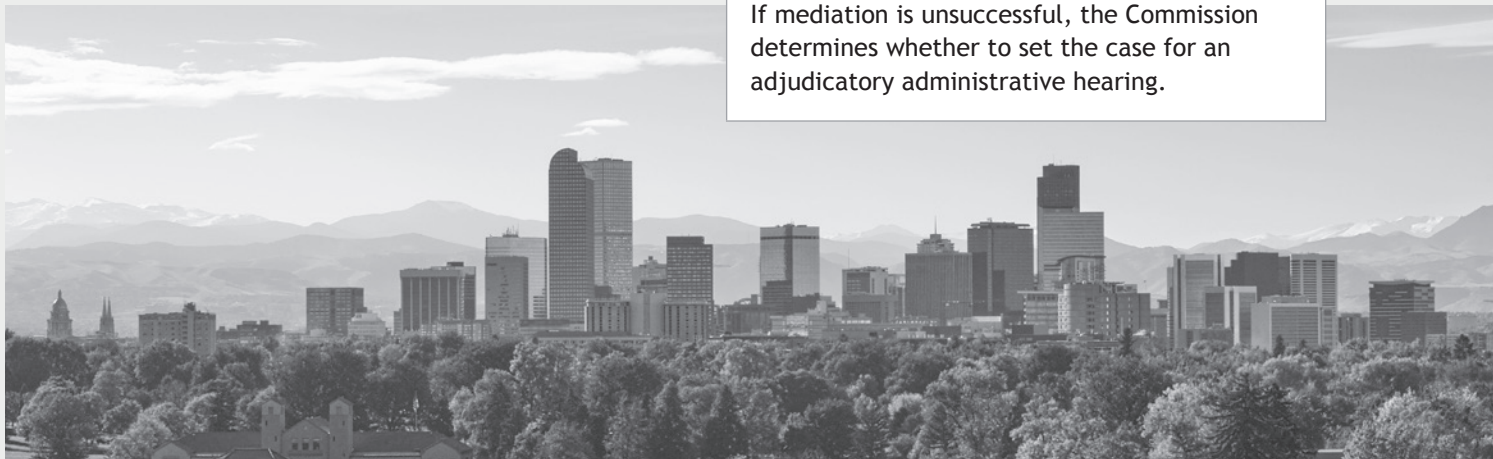
The **Colorado Civil Rights Division** (Division) is a neutral, fact-finding, administrative agency that provides civil rights education to the community, provides mediation and alternative dispute resolution services to resolve civil rights claims, and conducts investigations of charges of discrimination 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 the investigation process, which can identify viable options for the early constructive resolution of cases.

Civil Rights Division's Training and Outreach

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, employers, 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.

MISSION

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. The Division is 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 anti-discrimination laws in the areas of employment, housing, and places of public accommodation under Title 24, Article 34, Parts 3-7, of the Colorado Revised Statutes. The Division investigates matters that come to its attention from Complainants 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.

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. This specific Colorado Anti-Discrimination law falls under Title 24 of the Colorado Revised Statutes. As shown on the next page, in 2017-2018, the largest number of cases included disability as the basis for discrimination, followed by sex, race, and age.

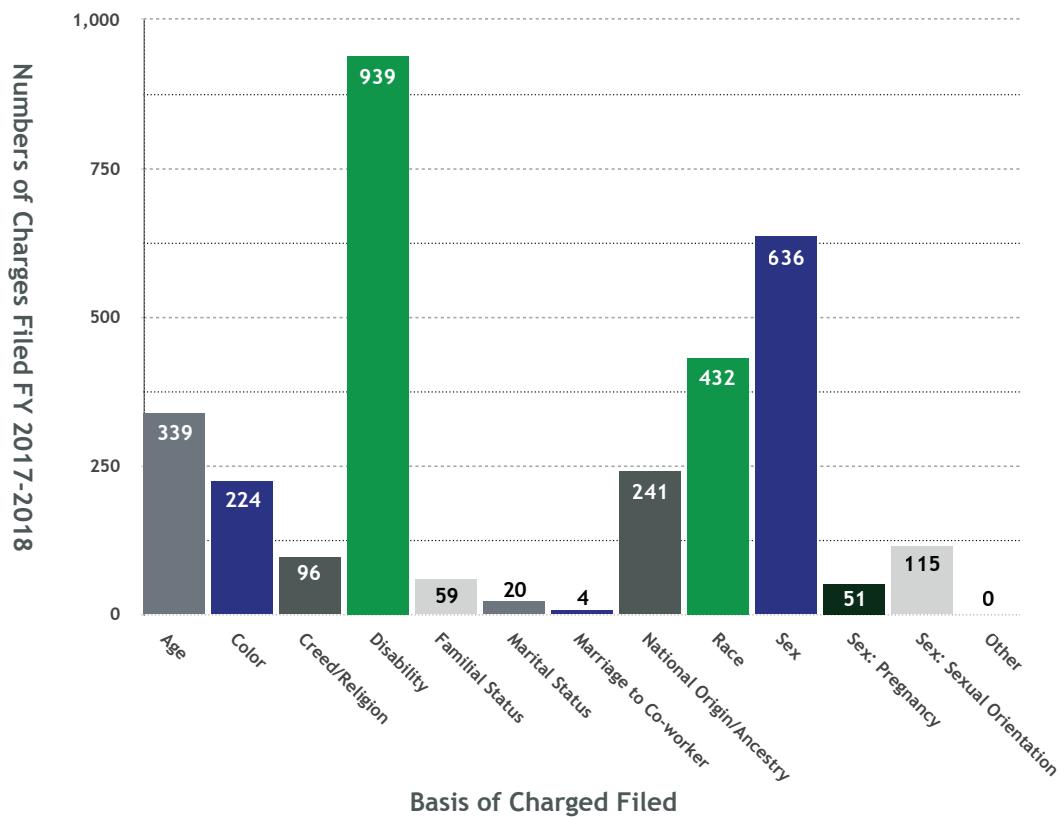
Charges filed with CCRD				
Fiscal Year	Employment Charges Filed	Housing Charges Filed	Public Accommodations Charges Filed	Total Charges Filed
FY 15-16	737	154	98	989
FY 16-17	903	159	76	1138
FY 17-18	1163	346	184	1693

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

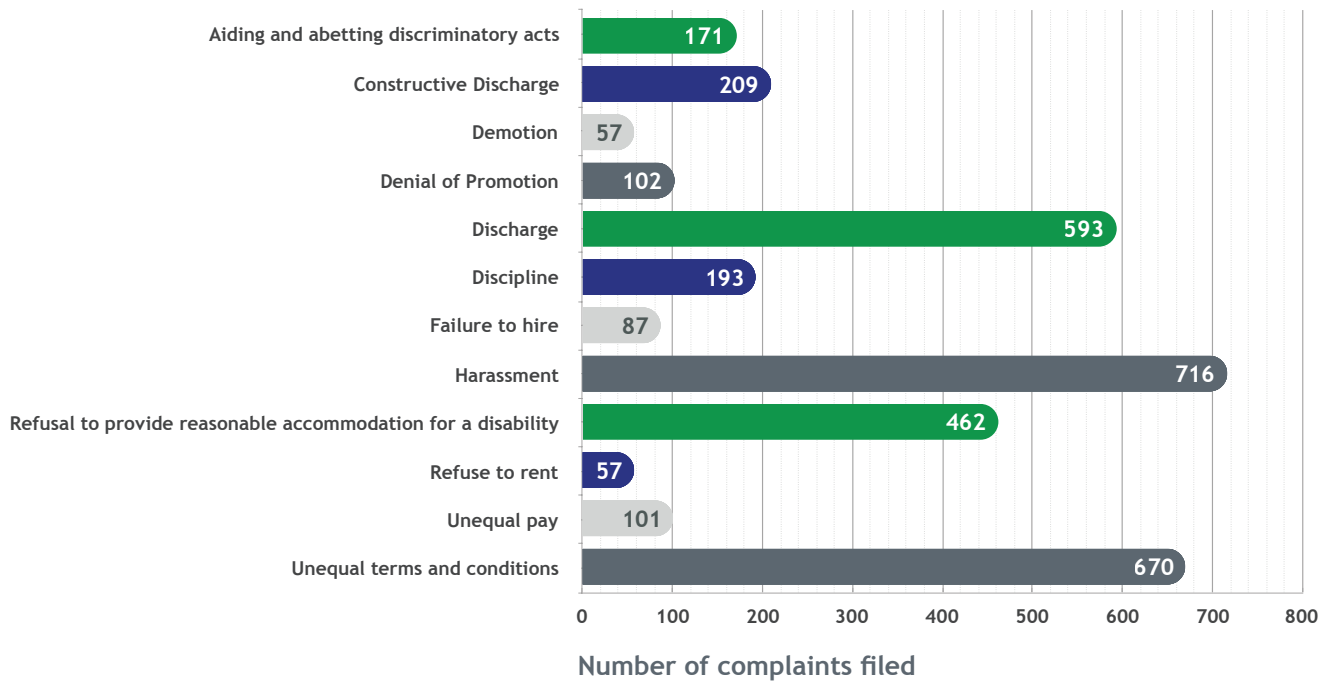
Charges Filed by Major Protected Class



Basis of charges filed FY 2016-2018			
Basis	FY 15-16	FY 16-17	FY 17-18
Age	180	240	339
Color	110	131	224
Creed/Religion	49	73	96
Disability	366	433	939
Familial Status	15	40	59
Marital Status	7	15	20
Marriage to Co-worker	5	9	4
National Origin/Ancestry	149	201	241
Race	237	296	432
Sex	345	357	636
Sex: Pregnancy	27	48	51
Sex: Sexual Orientation	82	71	115
Other	24	12	0

* May be more than one basis per case

Complaints filed by type of allegation



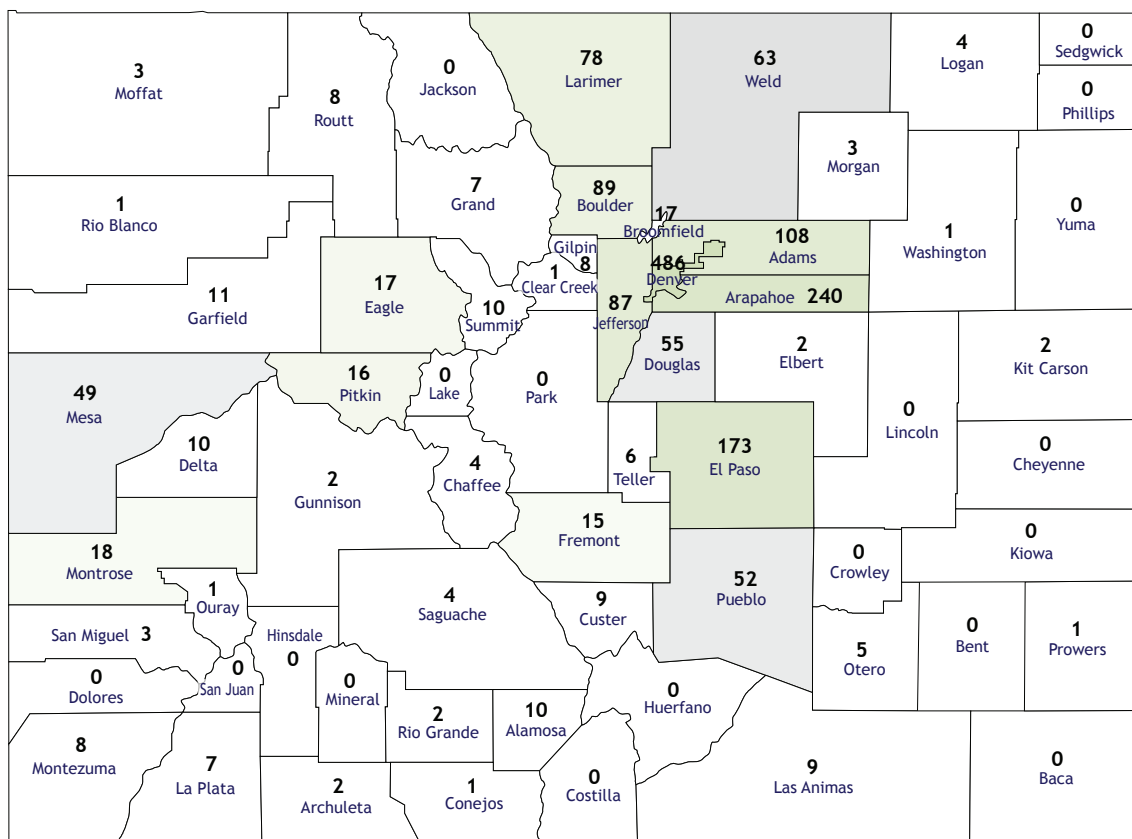
Complaints filed by type of allegation	
Aiding and abetting discriminatory acts:	171 (employment)
Constructive Discharge:	209 (employment)
Demotion:	57 (employment)
Denial of Promotion:	102 (employment)
Discharge:	593 (employment)
Discipline:	193 (employment)
Failure to hire:	87 (employment)
Harassment:	716 (employment and housing)
Refusal to provide reasonable accommodation for a disability:	462 (employment, housing and places of public accommodation)
Refuse to rent:	57 (housing)
Unequal pay:	101 (employment)
Unequal terms and conditions:	670 (employment, housing and places of public accommodation)

* May be more than one allegation per case.

Charges by county FY 17-18

COUNTY	EMPLOYMENT	HOUSING	PUBLIC ACCOMODATIONS	TOTAL
Adams	85	15	8	108
Alamosa	9	1	0	10
Arapahoe	158	45	37	240
Archuleta	2	0	0	2
Baca	0	0	0	0
Bent	0	0	0	0
Boulder	59	23	7	89
Broomfield	16	1	0	17
Chaffee	4	0	0	4
Cheyenne	0	0	0	0
Clear Creek	1	0	0	1
Conejos	1	0	0	1
Costilla	0	0	0	0
Crowley	0	0	0	0
Custer	4	0	5	9
Delta	8	1	1	10
Denver	328	103	55	486
Dolores	0	0	0	0
Douglas	37	10	8	55
Eagle	16	1	0	17
Elbert	2	0	0	2
El Paso	116	36	21	173
Fremont	11	3	1	15
Garfield	8	2	1	11
Gilpin	3	2	3	8
Grand	3	1	3	7
Gunnison	1	1	0	2
Hinsdale	0	0	0	0
Huerfano	0	0	0	0
Jackson	0	0	0	0
Jefferson	56	20	11	87
Kiowa	0	0	0	0
Kit Carson	1	0	1	2
Lake	0	0	0	0
La Plata	6	0	1	7
Larimer	51	18	9	78
Las Animas	1	2	6	9
Lincoln	0	0	0	0
Logan	2	2	0	4
Mesa	41	8	0	49
Mineral	0	0	0	0

Moffat	0	1	2	3
Montezuma	4	1	3	8
Montrose	15	2	1	18
Morgan	3	0	0	3
Otero	5	0	0	5
Ouray	1	0	0	1
Park	0	0	0	0
Phillips	0	0	0	0
Pitkin	16	0	0	16
Prowers	0	1	0	1
Pueblo	30	10	12	52
Rio Blanco	1	0	0	1
Rio Grande	2	0	0	2
Routt	6	2	0	8
Saguache	4	0	0	4
San Juan	0	0	0	0
San Miguel	2	1	0	3
Sedgwick	0	0	0	0
Summit	5	3	2	10
Teller	6	0	0	6
Washington	1	0	0	1
Weld	53	8	2	63
Yuma	0	0	0	0



Investigations and 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.

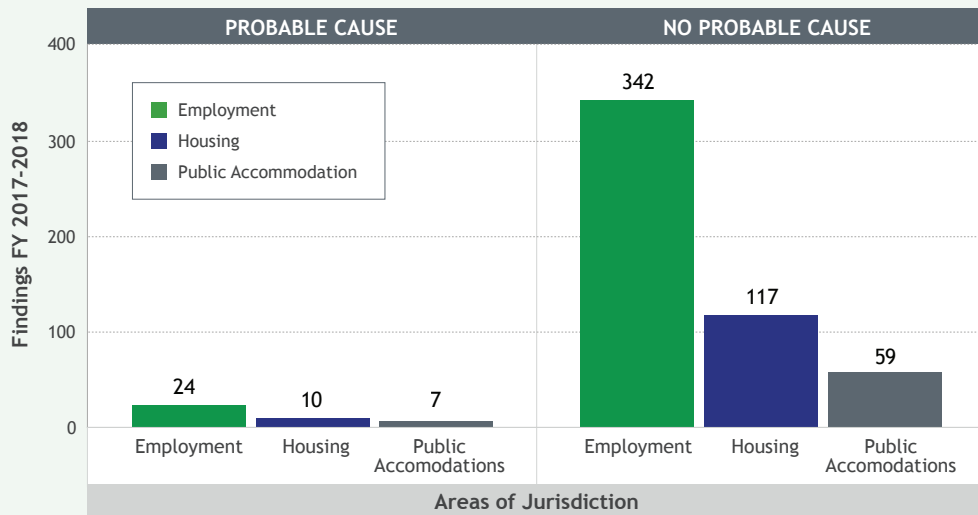
After the investigation, the Division Director or her designee makes a determination as to whether there is sufficient evidence to support a finding of “probable cause” that discrimination has occurred. If the Director finds probable cause, the parties are required to attempt to resolve the matter through 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	FY 15-16		FY 16-17		FY 17-18	
	PROBABLE CAUSE	NO PROBABLE CAUSE	PROBABLE CAUSE	NO PROBABLE CAUSE	PROBABLE CAUSE	NO PROBABLE CAUSE
Employment	16	271	16	383	24	342
Housing	15	81	14	121	10	117
Public Accommodation	2	55	2	66	7	59



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.

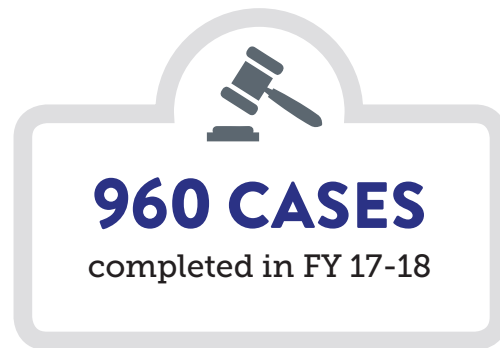
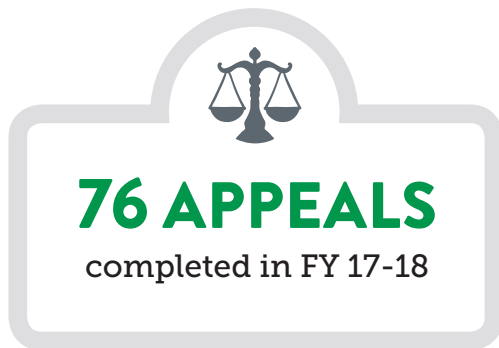
FISCAL YEAR	FY 15-16	FY 16-17	FY 17-18
Employment	47	63	32
Housing	16	23	30
Public Accommodation	25	16	14
Total	88	102	76

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 outlines the number of cases that the Division closed in the past three fiscal years.

FISCAL YEAR	FY 15-16	FY 16-17	FY 17-18
Employment	563	751	697
Housing	118	183	168
Public Accommodation	62	91	95
Total	743	1025	960



Employment Cases

Below are summaries of cases in which allegations of discrimination based on religion and sex were made and in which the Division’s examination of evidence supported the allegations asserted.

SIGNIFICANT EMPLOYMENT CASES



■ The Division found probable cause that the Complainant, a career transition specialist for a job placement company, was denied an accommodation for his religion, Christian, and later discharged from his employment based on his religion. The Complainant wore a necklace with a Christian crucifix, as well as a rosary with a dangling cross that he wore as a bracelet. His supervisor informed him that wearing religious symbols would “offend clientele” and asked him to conceal or remove his religious jewelry. The Complainant reluctantly agreed to hide his jewelry, but became uncomfortable doing so, and resumed wearing his jewelry openly. The Complainant was informed that he was being insubordinate for failing to follow direction given by his supervisor, and would be discharged if he did not stop wearing or displaying jewelry with religious symbols. The Complainant informed his employer that he intended to openly display his jewelry in the office and around clientele, at which point the company discharged him from his employment. The Division facilitated a settlement discussion among the parties, and the parties were able to reach an agreement.

■ The Complainant, who was employed by a law firm, alleged that she was subjected to sexual harassment and retaliated against when she complained about the harassment and was subsequently discharged from employment. The Complainant asserted that the Office Administrator in the firm made numerous sexually inappropriate and explicit unwelcome comments. The evidence demonstrates the Complainant asked that he stop making comments of a sexual nature because they were unwelcome and made her feel uncomfortable. She complained about the harassment to the Human Resources Manager, but the harassment was allowed to continue. An attorney in the firm approached her at her desk to engage her in a conversation regarding genitalia and oral sex. The Complainant again reported the harassment, this time to another manager in an e-mail message. The Complainant was told by the manager to leave the office and not to return to work. The Respondent stopped providing the Complainant with work assignments and when she asked for additional work to complete, her requests were ignored. Through its investigation of the allegations, the Division found that the Office Administrator had been accused of sexually harassing another employee in the past. The Division found sufficient evidence to support the Complainant’s assertions. The parties were mandated to attempt resolution of the complaint through a mediator provided by the Division, however, were unable to reach mutually satisfactory resolution. The Colorado Civil Rights Commission set the case for hearing before an Administrative Law Judge. The parties reached a settlement agreement prior to the commencement of the hearing.



Housing Cases

SIGNIFICANT HOUSING CASES



■ The Complainants, two brothers, contacted the Respondent landlord expressing interest in renting an apartment that was advertised for rent. They submitted an application, which was approved, however, the Complainants assert that they were subject to unequal terms and conditions of rental based on their sex (male) when the Respondent told them that he was “concerned as to how well 2 guys will take care of this place” and requested an additional deposit of \$500. The Respondent landlord denied that he requested an additional deposit from the Complainants because they were male, but because of their prior rental history. The evidence obtained from the investigation supported the Complainants’ allegations. The Division provided mediation services to the parties, and the parties were able to reach a mutually acceptable resolution.

■ The Complainant alleged that he was discriminated against based on his national origin (Hispanic) and Color (brown) when the Respondent refused to rent an apartment to him and his girlfriend. He alleged that the Respondent’s application approval policies had a discriminatory impact. The Respondent has a policy that states it will not approve rental applications if the applicant “has a felony conviction, is a registered sex offender, or has more than 1 misdemeanor conviction.” It notes the policy is in place “to provide a living environment with the least possible potential for criminal acts or property damage.” The Respondent screened the Complainant’s application and he was notified that his application was denied based on misdemeanor convictions discovered during the screening process. The Complainant acknowledged the convictions and noted that they were all traffic related. The Respondent asserts it evaluates potential residents based on nine criteria. The Complainant passed all of the requirements



except for criminal history. The evidence indicated that the Respondent denied the applications of 10 potential renters due to their criminal history. The Respondent states it does not look into the nature of the offenses revealed during the screening process.

Prior research has demonstrated that the use of criminal history by housing providers in the rental application process creates a discriminatory effect for Hispanic applicants. Data shows that Hispanic individuals are disproportionately represented in the Colorado prison population and in state criminal district court filings when compared to the percentage of Hispanics living in the State of Colorado. While the Respondent asserted that it maintains its criminal history policy to reduce criminal activity in the community, it did not provide any evidence to demonstrate how its policy requiring the automatic denial of applications with a criminal history as defined provides a community free of criminal activity. Housing providers must be able to demonstrate with reliable evidence that policies regarding criminal history actually assist in protecting resident safety and property. Assertions based on generalizations or stereotypes that any individual with an arrest or conviction record is not sufficient to demonstrate this. The parties were able to reach a mutually acceptable resolution through the Division’s Alternative Dispute Resolution unit.

Public Accommodations Cases

Colorado’s laws also protect against discrimination in places of Public Accommodation, such as a restaurant 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.”

The Division continues to see cases in which discrimination based on disability is asserted, including allegations that places of public accommodation refuse service based on the use of a service animal.



SIGNIFICANT PUBLIC ACCOMODATION CASES



■ The Division found probable cause that discrimination occurred based on disability status when the Complainant entered the Respondent restaurant with her service dog and dining companions. The Complainant and her dining companions were informed by a Respondent employee that the Respondent does not allow dogs in its establishment. The Complainant and her witnesses assert that her service dog is trained and wears a vest identifying it as a service animal and informed the employee that the dog was a service animal. The Respondent employee indicated that the Respondent had the “right to refuse service to anyone” and the Complainant and her dining companions left the restaurant. The evidence obtained during the investigation substantiated the Complainant’s allegations that she has a disability as defined by law, and requires the use of a service animal. A service animal is trained to perform specific tasks to assist someone with a disability. The Division issued a probable cause determination in this case. The parties were able to reach a settlement agreement after participating in a conciliation conference facilitated by a Division mediator.

■ Several Complainants filed claims alleging that they were discriminated against by the Respondent, a movie theater, based on their sex (male). The Complainants asserted that the Respondent advertised a “women’s only” screening of the movie “Wonder Woman.” When they inquired about tickets, they were informed by a Respondent employee that the screening was for women only. The Respondent admits that it publicized a “women’s only” screening of the film, but did not realize that advertising a “women’s only” showing of the film was a violation of discrimination laws. The Division issued a Probable Cause determination, and the parties participated in a conciliation conference. A mediator from the Division facilitated settlement discussions, and the parties were able to reach an agreement.

Alternative Dispute Resolution (ADR)

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. The ADR unit also conducts compulsory mediation as required by statute after 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. Even after a case is assigned to investigation, the parties have the opportunity to relay settlement offers through the investigator. Investigators were able to facilitate resolution of cases that resulted in \$2,551,391 in relief for Complainants.

\$4,052,541
in total relief for complainants
through settlement, mediation
and conciliation

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
FY 15-16	114	69	\$949,029	28	17	\$169,021	142	86	\$1,118,050
FY 16-17	128	50	\$2,663,406	39	11	\$206,850	167	61	\$2,870,256
FY 17-18	198	79	\$1,073,739	37	18	\$427,411	236	100	\$1,501,150



Outreach and 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 educational training in anti-

discrimination laws in employment, places of public accommodation, 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 2017-2018, in addition to its regular



training classes offered in Denver, the Division conducted and participated in training and outreach events in Longmont, Greeley, La Junta, Durango, Windsor, Frisco, Colorado Springs, Sterling, Grand Junction, Fort Morgan, Snowmass Village, Cheyenne Wells, Alamosa, Fort Collins, Aurora, Pueblo, and Walsenburg.

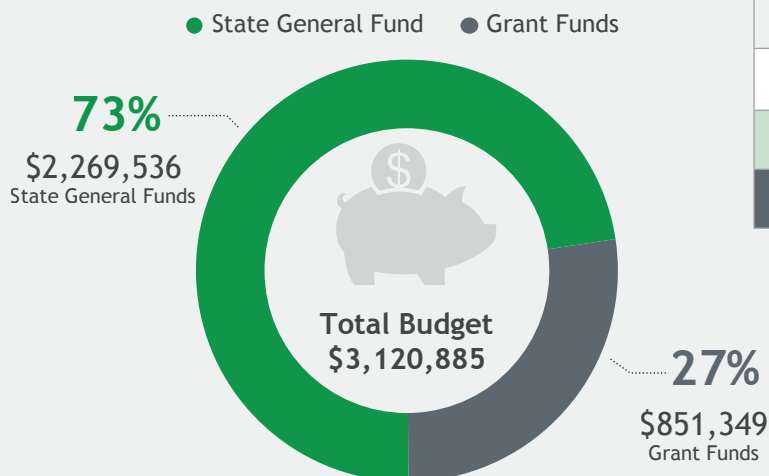
The Division partners with other organizations to provide outreach, and leverages valuable resources by working with various organizations including city councils, academic institutions, non-profit organizations, and other government agencies thereby providing a greater ability to educate the public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

The Division also maintains a website at 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 file intake information online.

TRAINING AND OUTREACH EVENTS

Fiscal Year	Number of Trainings	No. of Trainings as Part of a Settlement	Number of Outreach Events	Total Trainings and Outreach
FY 15-16	47	5	19	66
FY 16-17	43	5	24	67
FY 17-18	46	5	25	71

Budget FY 2017-2018



SOURCE	AMOUNT
State General Funds	\$2,269,536
Grant Funds	\$851,349
TOTAL BUDGET	\$3,120,885



History of Civil Rights in Colorado (1876-1989)

● 1876

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

● 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 agency was given no compliance or enforcement powers.

● 1893

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

● 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.

● 1917

Discriminatory advertising was added to the prohibitions contained in the 1895 Public Accommodations Act.

● 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.

● 1895

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

● 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.

1965

The Colorado legislature renamed the agency the Colorado Civil Rights Commission.

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.

1986

The General Assembly amended the state's fair employment statutes to include age (40-69 years) as a protected status.

1969

Sex was added as a protected status under Colorado's fair housing law.

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.

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
- made mediation mandatory after a finding of probable cause.

History of Civil Rights in Colorado (1990-2016)

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 civil penalties 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).

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.

1991

The legislature gave the Director subpoena power in employment cases.

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.

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 file a claim of age discrimination.

2009

The Colorado Civil Rights Division’s fourth legislative Sunset Review gave the agency 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.

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.

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.



Colorado Civil Rights Commission
Colorado Civil Rights Division

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