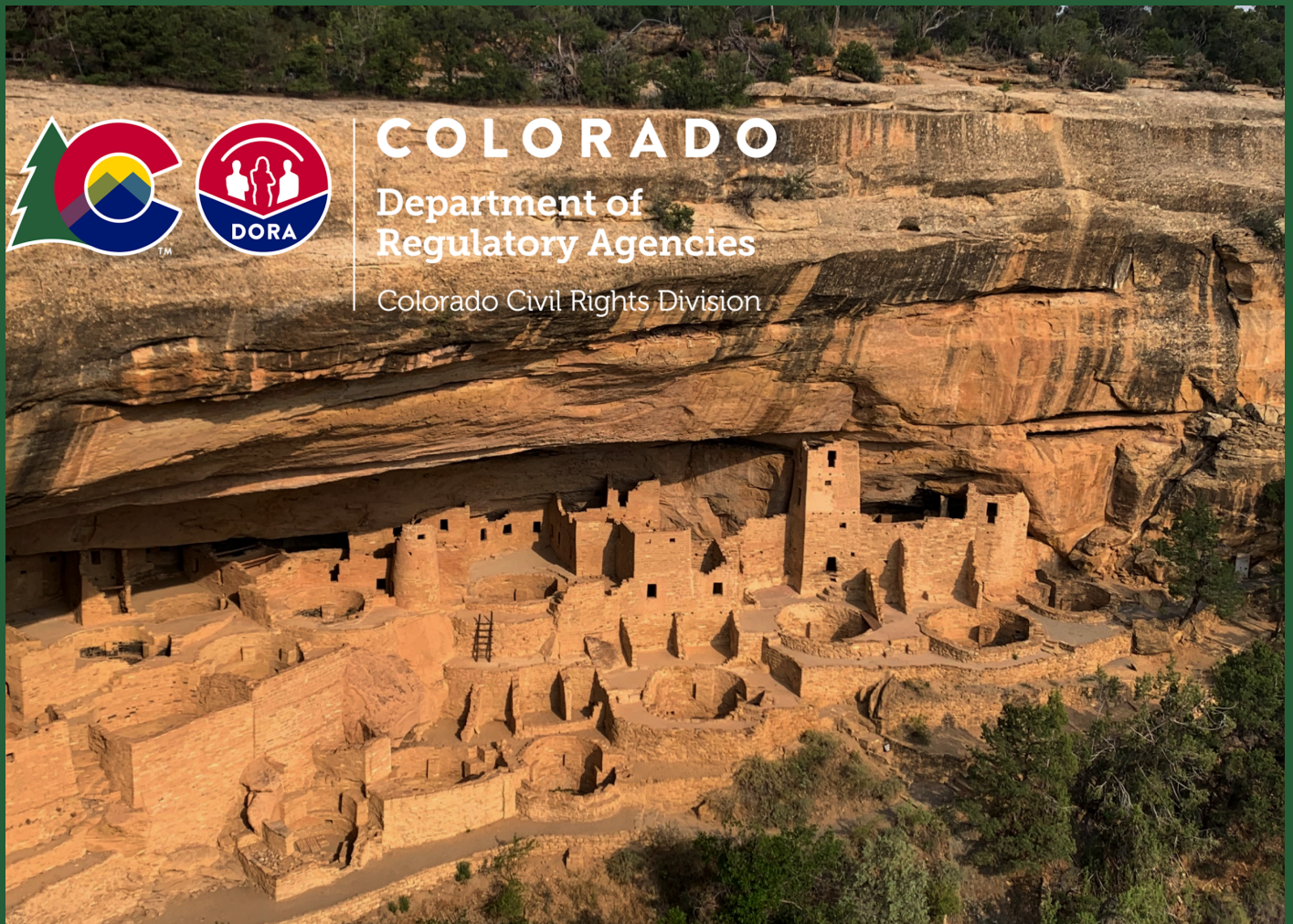




**COLORADO**

Department of  
Regulatory Agencies

Colorado Civil Rights Division



Colorado Civil Rights Division  
Colorado Civil Rights Commission

# Annual Report

Fiscal Year 2019-2020

Hon. Jared Polis, Governor

Patty 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:

I am honored to share with you the Annual Report of the Colorado Civil Rights Division (CCRD) and the Colorado Civil Rights Commission for the 2019-2020 fiscal year.

As the Director, I am charged with overseeing the day to day operations of the CCRD, which is charged with enforcing Colorado’s anti-discrimination laws in the areas of employment (Colorado Revised Statutes § 24-34-402), housing (Colorado Revised Statutes §24-34-502), and places of public accommodation (Colorado Revised Statutes § 24-34-602). CCRD 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 in an

effort to ensure a Colorado for all.

CCRD works in cooperation with federal and local agencies, such as the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development/Office of Fair Housing and Equal Opportunity (HUD/FHEO), as well as community-based organizations that promote and protect civil rights. We continually invite partnerships with community organizations accross the state to provide outreach and education, 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 year 2020 was unprecedented as the world faced the COVID-19 global pandemic while simultaneously experiencing massive social and political movements. When COVID-19 arrived in Colorado, the division conducted outreach to combat discrimination based on inaccurate biases of origin. Further, in partnership with the Office of Governor Polis and the Colorado Department of Public Health and Environment, CCRD released and continues to update guidance around civil rights considerations pertaining to the statewide mask mandate.

In Summer 2020, the long overdue national discussion about systemic racism began to rise to unprecedented levels in recent history. The division’s position is clear: discrimination, especially in housing, employment, and places of public accommodation, will not be tolerated in Colorado. We are committed to upholding the state’s Anti-Discrimination Act to ensure a Colorado for all. To learn more about the Division and Commission beyond what is shared in this annual report we encourage you to visit our new website: [ccrd.colorado.gov](http://ccrd.colorado.gov).

Regards,

A handwritten signature in blue ink that reads "Aubrey Elenis". The signature is written in a cursive style and is positioned above a horizontal line.

# 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 2019-2020 state fiscal year. In this annual report, you will find information regarding the powers and duties of the Commission and the distinct duties of the Division, including intake, investigation and Alternative Dispute Resolution (ADR) processes, as well as highlights and statistics regarding cases 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 reviews appeals submitted by Complainants in which a *No Probable Cause* determination has been issued in their case by the CCRD. 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 partner with individuals, businesses, organizations, and communities statewide because we are committed to promoting 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 Colorado 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, [ccrd.colorado.gov](http://ccrd.colorado.gov), to learn more about the Colorado Anti-Discrimination Act, its enforcement, and as well as current news and events.

We are honored to serve on the Commission and 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



# Colorado Civil Rights Commissioners Serving During Fiscal Year 2019-2020



Kendra Anderson



Sergio Cordova



Miguel Elias



Charles Garcia



Richard Lewis



Ajay Menon



Jesse Pocock

The Commission Members pictured above served during all or part of the fiscal year 2019-2020 (July 1, 2019, through June 30, 2020). Commissioners serve four-year terms and often terms are staggered. Only seven members serve on the Commission at any given time.

# CCRC & CCRD Overview

## Civil Rights Commission

The **Colorado Civil Rights Commission** (Commission or CCRC) is a seven-member, bipartisan panel appointed by the Governor of Colorado pursuant to the Colorado Anti-Discrimination Act (CADA) - C.R.S. § 24-34-303.

As defined by state law, the Commission is composed of members representing various political parties, the community at large, as well as businesses, representatives from labor organizations, and groups that have been historically marginalized and discriminated against. The members come from regions across the State of Colorado.

### Functions of the Civil Rights Commission

The work of the Commission is initiated following the intake and investigative work of the Division, which is further described below. 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; participate in a process to 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 or CCRD) 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

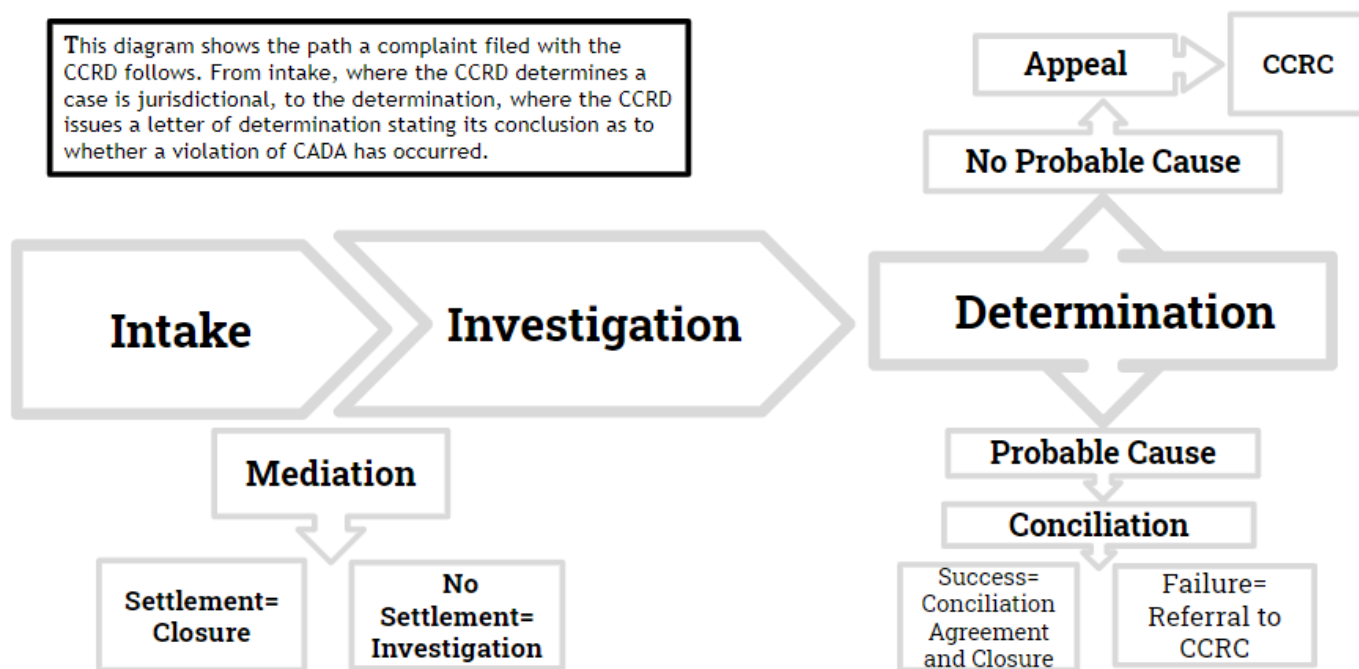
After a complaint is filed, an investigation is initiated. The investigation involves the collection of documentary evidence, witness interviews, and any other evidence relevant to resolving the complaint.

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, called conciliation. If conciliation is unsuccessful, the Commission determines whether to set the case for an adjudicatory administrative hearing.

## CCRD Complaint Process

This diagram shows the path a complaint filed with the CCRD follows. From intake, where the CCRD determines a case is jurisdictional, to the determination, where the CCRD issues a letter of determination stating its conclusion as to whether a violation of CADA has occurred.



### 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 Education Efforts

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 educational opportunities to businesses, employers, and housing providers to help them ensure that they comply with the Colorado Anti-Discrimination Act. 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 anti-discrimination laws in Colorado. As statutory revisions are made affecting pertinent civil rights laws, updates are made to brochures, teaching programs, and the Division's website that reflect those changes.

## How does the CCRD & CCRC Help Serve Coloradans?

The shared 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 to ensure a Colorado for all.

# 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 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 any case, by the fairest and most transparent methods possible.

## Protected Classes in Colorado

Cases are filed with the Division by Complainants alleging discrimination based on a protected class. A 'protected class' is a designation provided to groups sharing a common characteristic that legally protects them from discrimination based on that characteristic. The specific Colorado Anti-Discrimination law falls under Title 24 of the Colorado Revised Statutes.

## Housing - Employment - Public Accommodations (PA)

Age (40 +, employment only)	National Origin
Ancestry	Pregnancy (employment only)
Color	Race (including hairstyles typically assocd w/ 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 Status <sup>1</sup>
Marriage to Co-worker (employment only)	Source of Income (housing only - eff. 1/1/21)

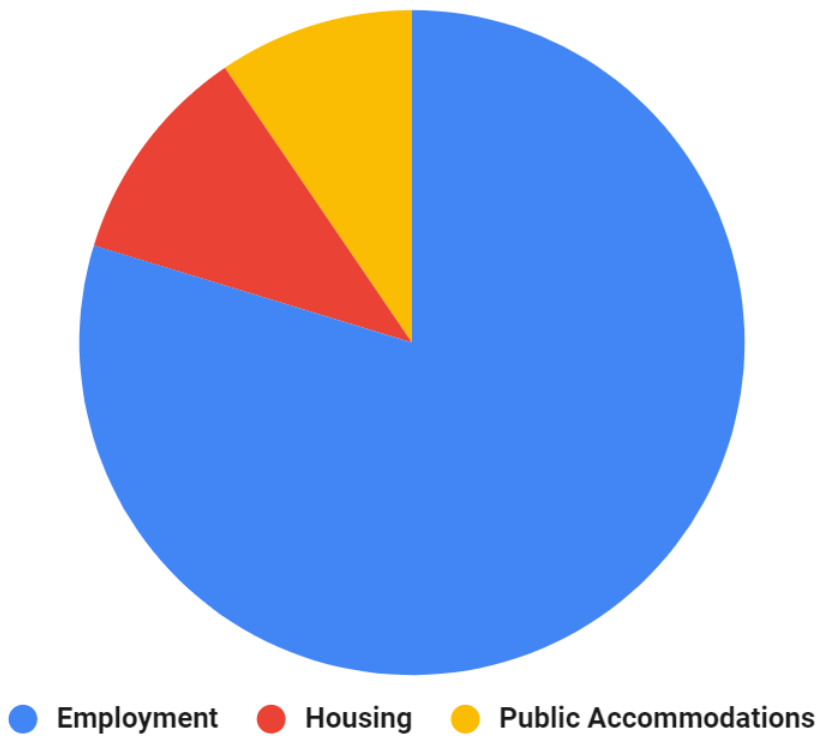
<sup>1</sup> The Colorado Anti-Discrimination Act (CADA) enumerates protected classes in each covered area. Sexual Orientation is listed as a protected class in each part of CADA (employment, housing, and places of public accommodation); C.R.S. 24-34-301 (7) defines sexual orientation as follows: “‘Sexual Orientation’ means an individual’s orientation toward heterosexuality, homosexuality, bisexuality, or *transgender status* or another individual’s perception thereof.” (emphasis added).



# Complaints Filed with CCRD by Fiscal Year and Case Type

Fiscal Year	Employment Charges Filed	Housing Charges Filed	Public Accommodations Charges Filed	Total Charges Filed
FY 17-18	1163	346	184	1693
FY 18-19	1027	113	143	1283
FY 19-20	947	128	113	1188

## Complaints Filed FY 20 by Case Type



As indicated in the above pie chart, employment complaints represent the vast majority (80%) of complaints filed with the CCRD.

**Most Common protected class as basis of CCRD complaints filed FY 2020 -All Case Types**

1. Sex - Female
2. Disability - Physical
3. Race - any
4. Disability - Mental
5. Age - 40 + (employment only)

**Most Common Protected Class  
Employment**

1. Sex - Female
2. Disability - Physical
3. Age

**Most Common Protected Class  
Housing**

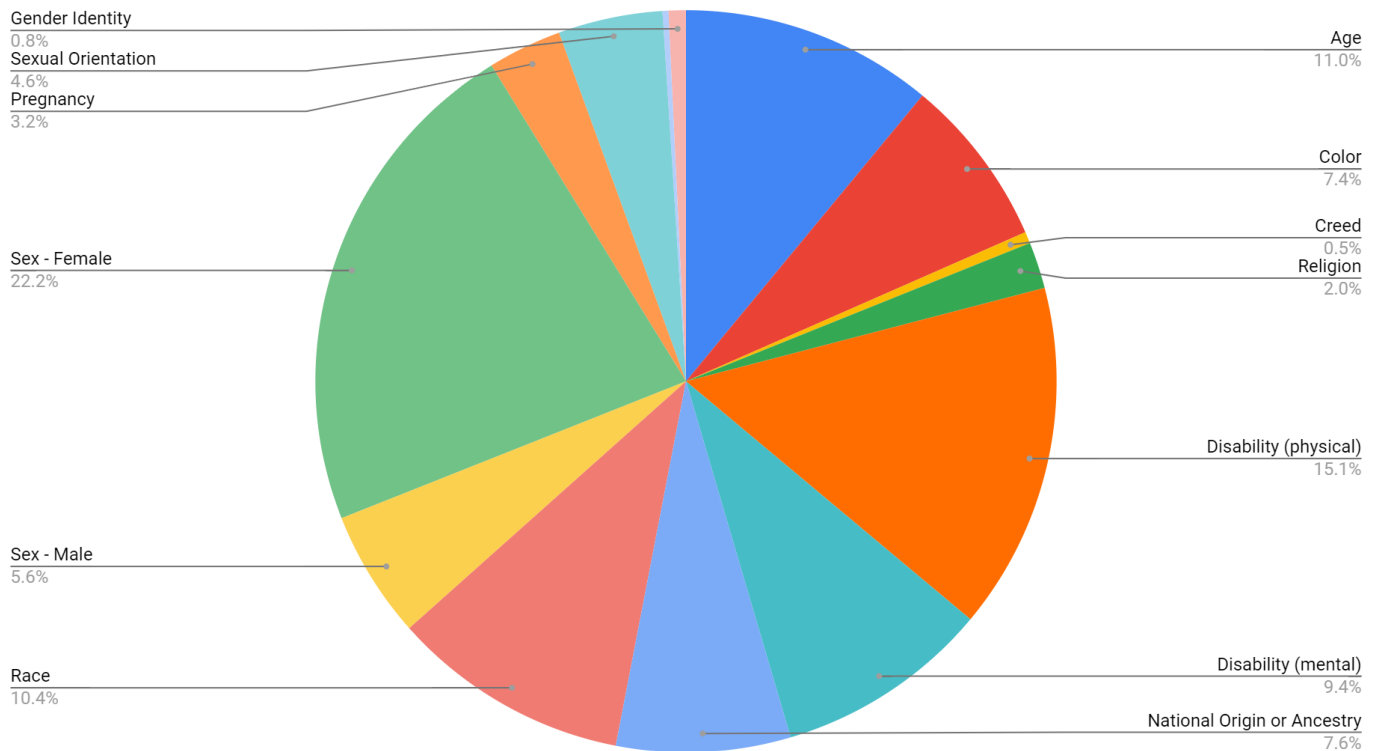
1. Disability - Physical
2. Disability - Mental
3. Race -any

**Most Common Protected Class  
Public Accommodations**

1. Disability - Physical
2. Race -any
3. Color

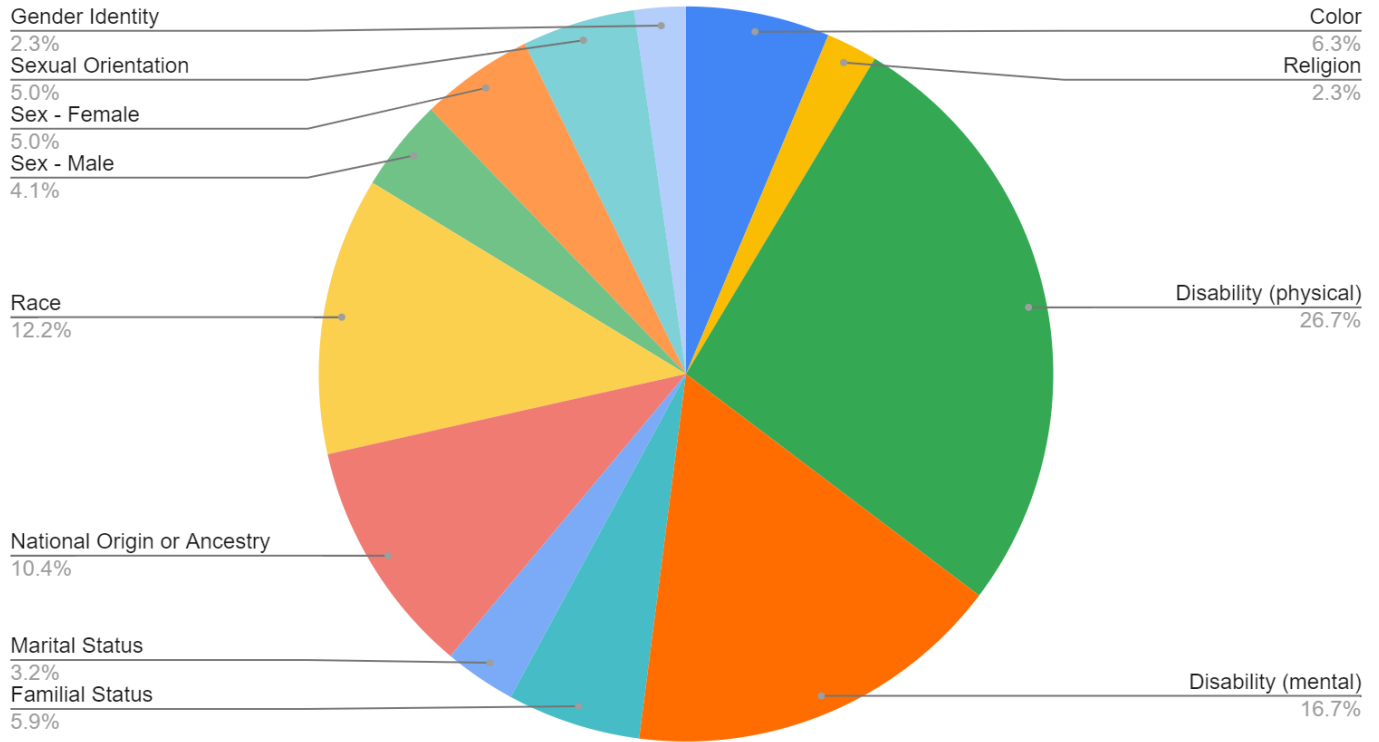
**Protected Class as percentage of cases filed in FY 2020**

**Employment Complaints Filed FY 20 by Protected Class**



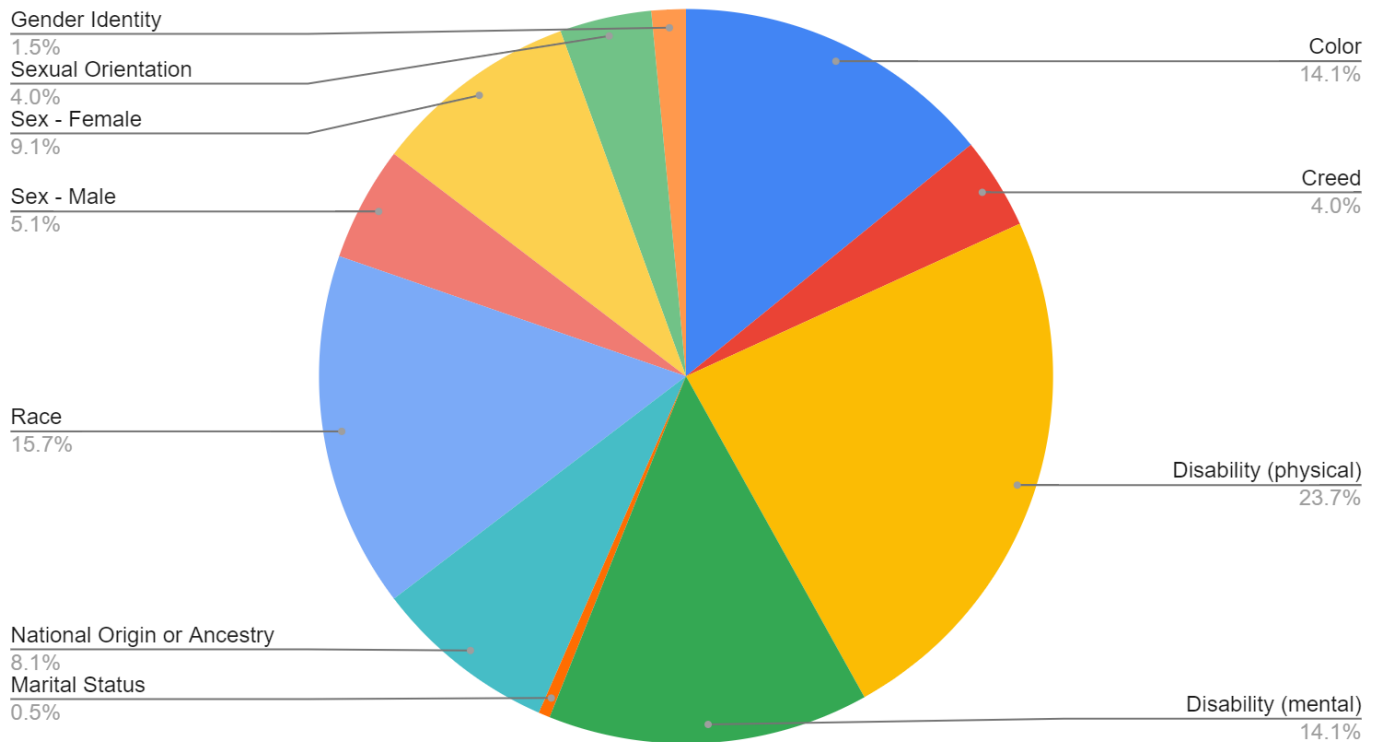
The above chart shows all employment discrimination complaints received by the CCRD during fiscal year 2020 broken down by protected class as percentages. The most common basis for employment discrimination complaints in fiscal year 2020 was sex - female, representing nearly a quarter of all employment complaints received during the fiscal year.

## Housing Complaints Filed FY 20 by Protected Class



The above chart shows all housing discrimination complaints received by the CCRD during fiscal year 2020 broken down by protected class as percentages. Complaints alleging discrimination based on disability (both mental and physical) comprised nearly half of all housing cases received during the fiscal year.

## PA Complaints Filed FY 20 by Protected Class



The above chart shows all public accommodation discrimination complaints received by the CCRD during fiscal year 2020 broken down by protected class as percentages. Complaints based on race, color, and disability were the most common basis of alleged discrimination cited in public accommodation cases received by the CCRD during the fiscal year.

## 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. *Please see the CCRD Complaint Process on page 7.*

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 17-18		FY 18-19		FY 19-20	
	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause	Probable Cause	No Probable Cause
Employment	24	342	28	441	27	476
Housing	10	117	16	137	4	85
Public Accommodation	7	59	8	117	12	111

## Appeals

As explained above, 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
FY 17-18	32	30	14	76
FY 18-19	47	19	28	94
FY 19-20	35	18	22	75

## 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 cases in a timely manner 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
FY 17-18	697	168	95	960
FY 18-19	940	172	135	1241
FY 19-20	1082	126	155	1362

## Significant Employment Cases

The Division issued a mixed Probable Cause determination in a case in which the Complainant was harassed and constructively discharged based on his transgender status. The Complainant was employed by a fast food restaurant as a Crew Member. During the Complainant's brief employment tenure with the Respondent, he was subjected to harassment by a coworker, when his coworker asked him offensive questions and subjected him to adverse treatment based on his protected class. The Complainant reported the harassment to the Respondent and was subsequently reassigned to a different shift. However, the harassment did not stop, as the harasser continued to make unwelcome and unreasonable comments about the Complainant to other employees, including asking "why do I have to respect transgender people?" After six weeks of employment, the Complainant resigned because his working conditions were intolerable. After the determination was issued in this case, the parties participated in Conciliation, which was successful. The Respondent agreed to participate in anti-discrimination training, review its anti-discrimination policies, and pay a monetary settlement to the Complainant.

**Retaliation Prohibited:** It is a violation of the Colorado Anti-Discrimination Act to "retaliate" against any person who has "engaged in a protected activity." To "retaliate" means to take an adverse action against a person because of their protected activity. An employer could retaliate against an employee by denying them a wage; a housing provider could retaliate against a tenant by declining to renew a lease; and, a public accommodation may retaliate against a customer by refusing to serve them. Importantly, the alleged retaliation must have been because the person "engaged in a protected activity." A "protected activity" broadly means to oppose discrimination - e.g. complain of discrimination, participate in an investigation of discrimination. Additionally making a request for a reasonable accommodation necessary because of a disability is also a protected activity.

The Division issued a Probable Cause determination in a case in which the Complainant was denied hire for a Graphic Designer position based on her sex. The Respondent did not consider whether the Complainant was qualified for the position and refused to allow her to apply for the job after the Complainant and the Vice President of Marketing got into a heated discussion on Facebook. During their conversation, the Vice President of Marketing informed the Complainant that he doesn't "work with women like you" and asserted that he has a "problem with feminist bitches like you causing problems for men in the workplace." After the determination of probable cause was issued in this case, the parties participated in Conciliation which was ultimately unsuccessful. The Civil Rights Commission then decided to set the case for hearing before an administrative law judge, where the case is pending hearing.

## Significant Housing Cases

The Division issued a probable cause finding in a case in which the Complainant alleged failure to accommodate and unequal terms and conditions of housing based on his disability when the Respondent refused to allow his service animal, a dog, in a common area of the subject property during a community gathering as there was food present. The Complainant resided at the subject property with his service animal, and on one occasion, wished to attend a “Cinco de Mayo” party that the Respondent had planned for its residents. The party was held in a common area of the subject property and included a table with food on it that residents could access at their leisure. The evidence showed that the Leasing Consultant of the subject property asked the Complainant to remove his service animal from the party because she was concerned that other residents may pet the animal and then touch food. The Complainant left the gathering. The Division's finding concluded that the Complainant was denied a reasonable accommodation for his disability when he was not allowed to have his service animal in all areas of the premises where persons are normally allowed to go, and he was subjected to unequal terms and conditions of housing as he was unable to attend the Cinco de Mayo party when individuals not of his protected class were permitted to. Conciliation in this matter was unsuccessful and the case is currently pending an administrative hearing with the Office of Administrative Courts.

The Division found probable cause in a case where the Complainants allege that the Respondents made housing unavailable to them and refused to accommodate one Complainant's need for an emotional support animal and/or in retaliation for engaging in protected activity. The Respondent maintained a strict “no pets” policy and would not consider the request from one Complainant for a reasonable accommodation to have an emotional assistance animal at the subject property. The Respondent evicted the Complainants from the subject property because of one Complainant's need for an emotional support animal for her disability. The Division's conciliation attempts failed and the case was set for an administrative hearing with the Office of Administrative Courts.

## Significant Public Accommodation Case

The Division issued a Probable Cause determination in a case in which the Complainant was denied the full and equal enjoyment of a place of public accommodation when she was prohibited from bringing her service dog on the premises and subsequently banned her from attending Alcoholics Anonymous (“AA”) meetings at its site. The Complainant in this case has Post Traumatic Stress Disorder and used a service dog. The Respondent is a place of public accommodation that hosts AA meetings. The Complainant attended an AA meeting, along with her service dog, and as she exited the building with her service dog, she was confronted by Respondent staff members and told that her dog was not allowed in the building and that she needed to immediately leave. The Complainant informed the Respondent that her dog was a service animal and that she had a legal right to be accompanied by her service animal. In response, the Respondent informed the Complainant that she was banned from attending any further meetings at its location. The Respondent argued that, assuming the Complainant was a person with a disability and her dog is in fact a legitimate service animal, she should be restricted to attending only those meetings on its first floor, as allowing dogs to use the stairs creates a hazard and disruption. However, applicable law prohibits businesses from segregating from other patrons people with disabilities who use service

animals, as well as treating them less favorably with regard to equal access and enjoyment of services. After the determination was issued in this case, the parties participated in Conciliation, which was successful. The Respondent agreed to participate in anti-discrimination training and pay a monetary settlement to the Complainant.

**Service Animals:** Under the Colorado Anti-Discrimination Act, “Service Animal” is defined as having “the same meaning” as under the Americans with Disabilities Act (ADA). Under the ADA, a service animal is simply (and narrowly) defined as “dogs that are individually trained to do work or perform tasks for people with disabilities.” Therefore, only dogs can act as service animals, and it is essential that the dog in question has been individually trained to perform a specific task or do work - this is distinguishable from an “emotional support animal” whose “mere presence” provides an “emotional therapeutic effect.” Because service animals perform specific tasks or do work that is necessary for the person with a disability(s), they must be allowed anywhere the public is allowed with very limited exceptions. Visit [ADA.gov](http://ADA.gov) for detailed guidance.

The Division found probable cause in a case where the Complainant alleged that the Respondent denied him the full and equal enjoyment of goods, services, benefits, or privileges in retaliation for complaining of discrimination based on his disabilities. The Complainant contracted with the Respondent to repair water damage that had occurred in his home. The Complainant alleges that while in his home, the Respondent made derogatory statements regarding his

service animal and that he felt harassed based on his disability. The Complainant complained to the Respondent regarding what he felt was discrimination based on his disability. The evidence shows that after the complaints, the Respondent ceased contact with the Complainant and refused to complete the repairs, thus denying him services. Conciliation in this matter was not successful and the Complainant may pursue the matter in court.

## Alternative Dispute Resolution (ADR)

In order to encourage parties in a case to consider potential resolution 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 (conciliation) as required by statute after probable cause is found in a case.

Fiscal Year	Mediations			Conciliations			Total		
	Total	Resulting in Settlements	Value of Settlements	Total	Resulting in Settlements	Value of Settlements	Total ADR	Total Resulting in Settlements	Total Value
FY17-18	198	79	\$1,073,739	37	18	\$427,411	235	100	\$ 1,501,150



FY18-19	225	87	\$1,652,518	56	18	\$353,700	281	105	\$2,168,402
FY19-20	187	89	\$1,458,902	45	17	\$477,400	232	106	\$1,936,302

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 relief for Complainants.

## Outreach & Education

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

In Fiscal Year 2019-2020, the CCRD engaged in more outreach and education activities than at any time in recent memory. Each month, the CCRD offers three 101 Anti-Discrimination classes: Employment 101, Fair Housing 101, and Public Accommodations 101. These “101” classes provided an overview of the CADA as well as an overview of the CCRD and CCRC investigation and determination process. These classes are normally provided in the Denver office, but our Outreach staff member travels across the State of Colorado bringing the courses to cities from the Front Range, to the Western Slope, to the Eastern Plains. Starting in March of 2020, CCRD’s Outreach and Educational efforts switched to exclusively digital. All the same 101 courses described above are now offered as webinars, making it more accessible for the public to learn about anti-discrimination in Colorado.

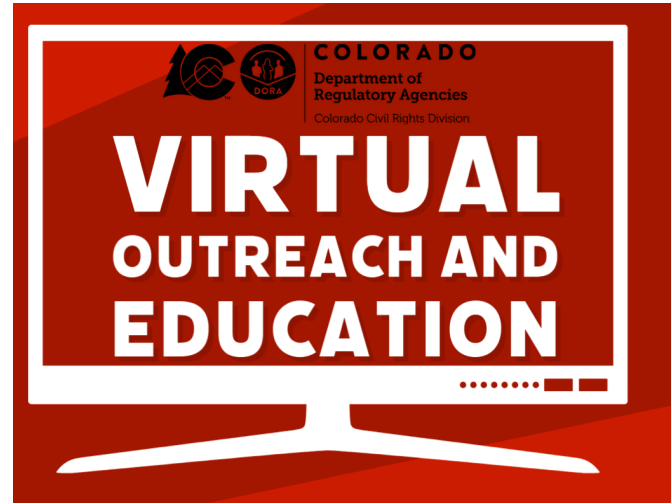
Additionally, the Division partners with other organizations to provide outreach, and leverages valuable resources by working with various organizations including local governments, academic institutions, non-profit organizations, and other government agencies, thereby providing a greater ability to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

The Division also maintains a website at [ccrd.colorado.gov](http://ccrd.colorado.gov) where the public can learn about the Division and Commission, enroll in upcoming trainings, obtain information about anti-discrimination laws and rules, download our [anti-discrimination notices](#), and file a complaint of discrimination via [Case Connect](#). We welcome and encourage feedback and invite the public to contact us with any questions, concerns, or recommendations via email to [dora\\_ccrd@state.co.us](mailto:dora_ccrd@state.co.us).

## Training & Outreach Events

Fiscal Year	Number of Trainings	No. of Trainings as Part of a Settlement	Number of Outreach Events	Total Trainings and Outreach
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FY17-18	46	5	25	71
FY18-19	62	10	15	77
FY19-20	64	13	30	94



## Budget

The Civil Rights Division is partially 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 efficient and effective use of resources.

### Budget FY 2019-2020

Source	Amount	Full-Time Employees
State General Funds	\$2,606,160	
Grant Funds	\$1,082,114	
<b>Total</b>	<b>\$ 3,688,274</b>	<b>30.0</b>

# History of Civil Rights in Colorado

1876

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

1893

Colorado 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 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 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 case 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 of the Colorado Civil Rights Division 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

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.

2018

The Colorado Civil Rights Division's fifth legislative Sunset Review left the agency in place with three new statutory mandates:

- Modified Commission membership to include 3 business representatives, 3 members representing Colorado workers, and one at-large member.
- Required the state auditor to complete a performance audit of the division and commission by December 15, 2019, and by December 15, 2024, and to present the audit reports and recommendations to the legislative audit committee.
- Allowed Senate rejection of Commission appointments.

2019

The Colorado General Assembly passed SB19-085 the "Equal Pay For Equal Work Act." The act removes the authority of the director of the division of labor standards and statistics in the department of labor and employment (director) to enforce wage discrimination complaints based on an employee's sex and instead authorizes the director to create and administer a process to accept and mediate complaints of, and provide legal resources concerning, alleged violations and to promulgate rules for this purpose. An aggrieved person may bring a civil action in district court to pursue remedies specified in the act. The act does not amend the Colorado Anti-Discrimination Act, but draws attention to wage discrimination based on sex and allows a remedy outside of the CCRD to address such complaints.

The Colorado House and Senate each pass resolutions designating April 2, 2019 as "Equal Pay Day" in Colorado, and, in connection therewith, acknowledge the persistent problem of wage disparity.

The Colorado General Assembly passes the "*Creating a Respectful and Open World for Natural Hair Act of 2020*", also known as the "CROWN Act of 2020." The CROWN Act amended the Colorado Anti-Discrimination Act ("CADA"), among other statutes, to address discrimination based on natural hair or hairstyles commonly or historically associated with race. Governor Polis signed the bill into law on March 6, 2020, and the CROWN act went into effect on September 13, 2020.

The Colorado General Assembly passes "*An Act concerning the prohibitions on discrimination in housing based on source of income.*" This act amended and added to CADA in order to recognize "source of income" as a protected class in housing. This means that covered housing providers cannot discriminate against a potential tenant based on his or her "source of income" which is defined as "income derived from any lawful profession or occupation; and income or rental payments derived from any government or private assistance, grant, or loan program." The act amended CADA at C.R.S. 24-34-501 (4) and (4.5). The source of income protection in housing becomes effective January 1, 2021.