



Annual Report

Fiscal Year 2020-2021

The Honorable 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 2020-2021 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 is housed within the Department of Regulatory Agencies (DORA) and 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 remained consistent in our efforts to maintain our current partnerships with community leaders and organizational stakeholders, as well as to formulate new partnerships across 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).

Although 2021 continued to present us with challenges with relation to the COVID-19 global pandemic, I am pleased to report our division has increased our number of Alternative Dispute Resolutions (ADR) significantly, in comparison to the past two fiscal years. Through the increasing success of our internal ADR process, both parties are provided the opportunity to avoid costly litigation and settle matters amicably.

Our division's work remains essential. Civil rights are an integral component of democracy, and guarantee equal opportunities and protection under the law, regardless of race, religion, or other characteristics. Discrimination, especially in housing, employment, and places of public accommodation, will not be tolerated in Colorado, and our commitment to upholding the state's Anti-Discrimination Act to ensure a Colorado for all remains diligent. 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.

Regards,

A handwritten signature in blue ink, appearing to read 'Aubrey Elenis'.

Aubrey Elenis

Director, Colorado Civil Rights Division

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 2020-2021 state fiscal year. In this 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 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 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 visit our website, ccrd.colorado.gov, to learn more about the Colorado Anti-Discrimination Act, its enforcement, and as well as current updates and events. We aim to continue to grow our partnerships with individuals, businesses, organizations, and communities statewide and we encourage you to attend our virtual monthly meetings, open to the public, 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 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 Attorney General's office, the Department of Regulatory Agencies and the Colorado Civil Rights Division. 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 2020-2021

Sergio Raudel Cordova

Charles Garcia

Richard Lee Lewis, Jr.

Ajay Menon

Cherylin Peniston

Jeremy Ross

The Commission Members pictured above served during all or part of the fiscal year 2020-2021 (July 1, 2020, through June 30, 2021). 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.

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.

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 Commission reviews appeals of cases investigated and dismissed by the Civil Rights Division; reached out to various communities to provide awareness of civil rights issues and protections; conducts hearings involving illegal discriminatory practices; initiates investigations regarding discrimination issues with broad public policy implications; is available 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.

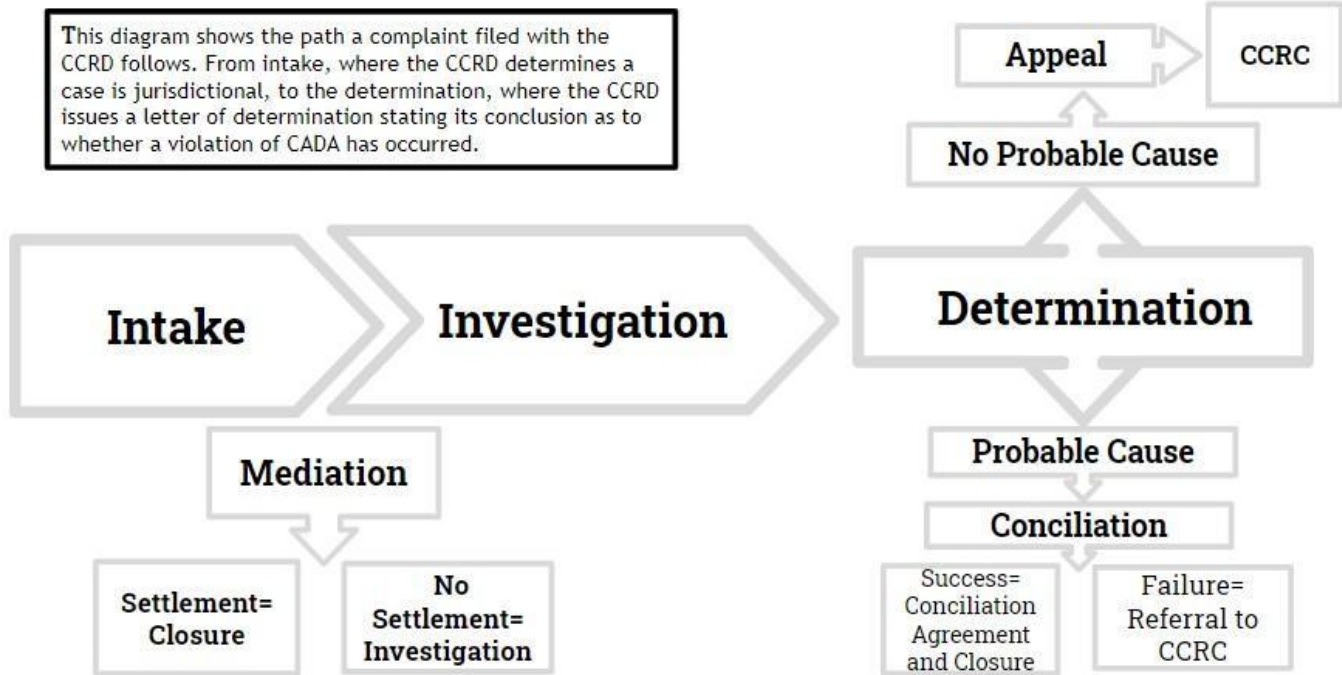
Civil Rights Division's Investigative Process

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 Outreach and 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 provides 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.

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)

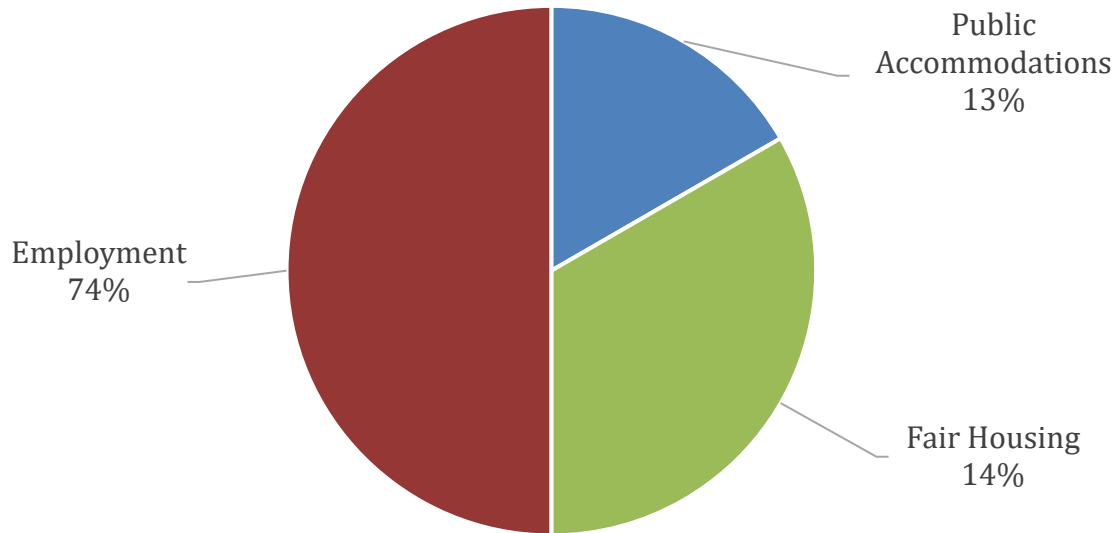
| | |
|-------------------------------------------|--------------------------------------------------------|
| Age (40+, employment only) | National Origin |
| Ancestry | Pregnancy (employment only) |
| Color | Race (including hairstyles typically assocd with race) |
| Creed | Religion (Employment and housing only) |
| Disability | Retaliation (for engaging in protected activity) |
| Familial Status (housing only) | Sex |
| Marital Status (housing and PA only) | Sexual Orientation/Transgender Status |
| Marriage to a Co worker (employment only) | Source of Income (housing only eff. 1/1/21) |

¹ 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 18-19 | 1027 | 113 | 143 | 1283 |
| FY 19-20 | 947 | 128 | 113 | 1188 |
| FY 20-21 | 1090 | 204 | 193 | 1457 |

Complaints Filed by Case Type in FY21



As indicated in the above pie chart, employment complaints represent the vast majority (74%) of complaints filed with the CCRD

Most Common protected class as basis of CCRD complaints filed FY 2021 All Case Types

1. Disability
2. Sex
3. Race
4. Color
5. Age (40+)

Most Common Protected Class

Employment

1. Disability
2. Sex
3. Age

Most Common Protected Class

Housing

1. Disability
2. Race
3. Color

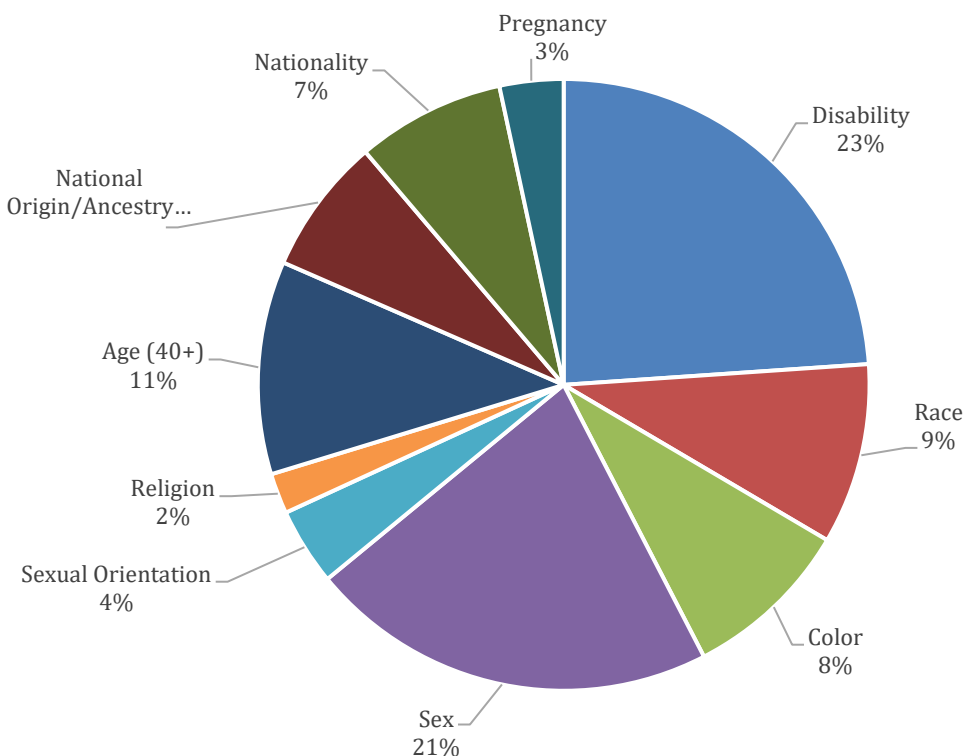
Most Common Protected Class

Public Accommodations

1. Disability
2. Color
3. Race

Protected Class as percentage of cases filed in FY 2020

Employment Discrimination Complaints Filed in FY21



The above chart shows all employment discrimination complaints received by the CCRD during fiscal year 2021 broken down by protected class as percentages. The most common basis for employment discrimination complaints in fiscal year 2021 was disability, representing nearly a quarter of all employment complaints received during the fiscal year.

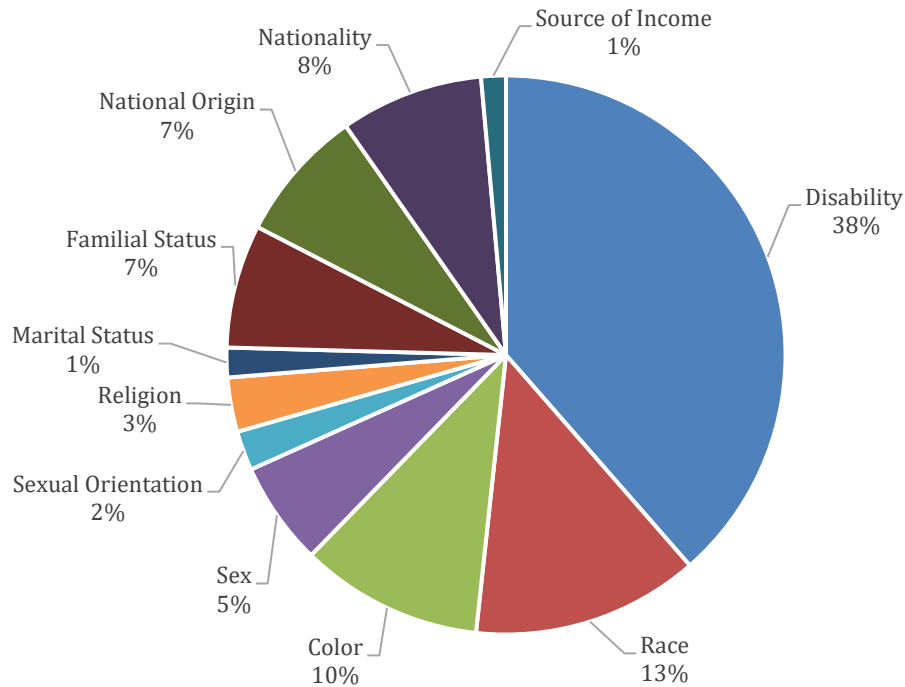
Significant Employment Cases

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.

(1) The Division issued a probable cause finding in a case in which a Complainant was denied a reasonable accommodation for her disability and discharged from her job based on her disability and/or in retaliation for engaging in protected activity. The Complainant requested and was granted leave pursuant to the Family and Medical Leave Act ("FMLA") but was subsequently discharged the day that her leave was exhausted. Generally speaking, employers are required to make exceptions to their policies, including maximum leave policies such as FMLA, in order to provide reasonable accommodations, unless the employer can demonstrate that doing so would cause an undue hardship. However, in this case, the Respondent failed to communicate with the Complainant to determine whether she could be accommodated by working from home or being provided with additional leave. After the determination was issued in this case, the parties participated in conciliation, which was ultimately unsuccessful.

(2) The Division issued a probable cause finding in a case in which the Complainant was harassed by a coworker and constructively discharged based on his race/color (African American/black) and/or in retaliation for engaging in protected activity. During the Complainant's brief employment tenure with the Respondent, the Complainant was subjected to harassment by a coworker who called him the "n word" on multiple occasions and threatened him with physical violence. Specifically, the evidence demonstrated that the coworker used a drill at work and pretended that he was loading and shooting a gun at the Complainant; stated that he would put the Complainant in a body bag; and lunged at him with a knife. The Complainant reported the harassment to the Respondent's owner, and as a result, his work schedule was changed, and he experienced a significant reduction in hours and earnings. The Complainant was compelled to resign due to his intolerable working conditions. After the determination was issued in this case, the parties participated in conciliation, which was ultimately unsuccessful. The Colorado Civil Rights Commission then decided to set the case for hearing before an administrative law judge in the Office of Administrative Courts. The outcome of the hearing is pending.

Fair Housing Complaints Filed in FY21



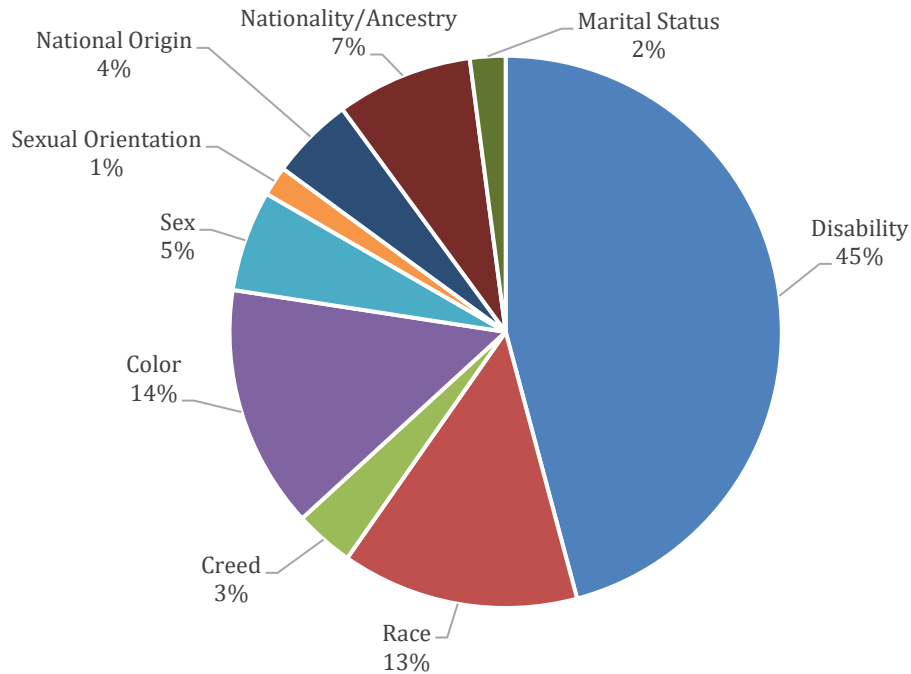
The above chart shows all housing discrimination complaints received by the CCRD during fiscal year 2021 broken down by protected class as percentages. Complaints alleging discrimination based on disability (both mental and physical) and race comprised nearly half of all housing cases received during the fiscal year.

Significant Fair Housing Cases

(1) The Division issued a determination of Probable Cause in a case in which the Complainant's tenants were subjected to discriminatory terms and conditions of housing, discriminatory interference, and ultimately denied housing because of their national origin (Honduras) and color (dark skinned). The Complainant received a letter from the Respondents advising that her tenants needed to "provide current Alien Registration, Resident Green Cards or some type of current Federal Identification" and threatened eviction of the Complainant's tenants if this information was not provided "in the next 24 hours." The evidence showed that those specific types of identification were requested from the Complainant's tenants because of their physical appearance/color and primary spoken language (Spanish), and that they ultimately vacated the subject property because the Respondents issued that letter. The evidence also showed that no other residents of the subject property received the same or similar letter, including other tenants of the Complainant whose color was white and national origin United States. The Division's conciliation attempts were successful, with the Respondents agreeing to implement additional relevant policies, undergo relevant training, and submit quarterly reports to the Division

(2) 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 physical disability. The Complainant additionally alleged that the Respondents harassed him and retaliated against him following his engagement in protected activity. The Complainant is paralyzed and uses a wheelchair for mobility. The Complainant alleged that the Respondents denied multiple requests to maintain the walkways near his property during the winter months when snow and ice accumulated, which caused him to fall from his wheelchair. The Respondents frequently dismissed the Complainant's stated safety concerns and encouraged the Complainant to relocate from the subject property. . Conciliation in this matter was unsuccessful and the case is currently pending an administrative hearing with the Office of Administrative Courts.

Public Accommodations Complaints Filed in FY21



The above chart shows all public accommodation discrimination complaints received by the CCRD during fiscal year 2021 broken down by protected class as percentages. Complaints based on disability (both physical and mental) were the most common basis of alleged discrimination cited in public accommodation cases received by the CCRD during the fiscal year.

Significant Public Accommodation Cases

(1) The Complainant alleged that she was denied full and equal enjoyment of a place of public accommodation based on her creed (Judaism). The Complainant was staying at a hotel with two co workers. They were working in the lobby of the hotel preparing for a business presentation that was to take place later that day. The Complainant's co workers were both wearing yarmulkes. The evidence shows that the Complainant's co workers stepped outside briefly, while the Complainant remained in the lobby. The Complainant was approached by an unknown man who was not a guest of the hotel, and the Complainant texted one of her co workers for assistance.

The co worker asked the Respondent's front desk clerk for assistance in directing the man to leave the hotel. The front desk clerk refused to provide assistance, began questioning and berating the Complainant and her co workers, stating that their presence was disturbing and that he was "sick of looking at them." The clerk told the Complainant and her co workers that they had 15 minutes to leave the hotel. The evidence demonstrates that a verbal altercation took place between the front desk clerk and the Complainant and her co workers and that the front desk clerk referred to them as "kikes." The front desk clerk ejected the Complainant and her co workers from the Respondent's premises. The evidence demonstrates that the front desk clerk had engaged in similar behavior in the past that was not addressed by the Respondent. The parties were able to reach a settlement agreement.

Significant Public Accommodation Cases

(2) The Complainant alleged that she was discriminated against by the Respondent, a retail store, based on her race/color (African American/black) and denied the full and equal enjoyment of a place of public accommodation. The evidence demonstrates that the Complainant and a friend, who is also African American/black, went to the Respondent store to make a purchase. The store did not have the item that they wanted to buy in stock, and they left the store without making a purchase. Law enforcement was called by the Respondent's employees because the Complainant and her friend were allegedly suspected of shoplifting, even though there was no evidence of this. It is noted that Respondent employees did not follow the Respondent's policy when shoplifting is suspected by engaging in hospitality with the customer, such as asking the customer if they needed assistance, in order to assess the situation before contacting law enforcement to report suspected shoplifting. The evidence demonstrated that the Respondent denied the Complainant the full and equal enjoyment of a place of public accommodation based on an illegitimate suspicion of shoplifting due to her race and color. There is no evidence to support that non African American/black customers have been accused of shoplifting when patronizing a Respondent store when leaving the store without purchasing an item. A probable cause finding was issued. The parties participated in a conciliation conference facilitated by the Division's Alternative Dispute Resolution team. A settlement agreement was not reached. The case is being pursued in US District Court.

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 18 19 | | FY 19 20 | | FY 20 21 | |
|-----------------------|----------------|-------------------|----------------|-------------------|----------------|-------------------|
| Finding | Probable Cause | No Probable Cause | Probable Cause | No Probable Cause | Probable Cause | No Probable Cause |
| Employment | 28 | 441 | 27 | 476 | 26 | 424 |
| Housing | 16 | 137 | 4 | 85 | 8 | 115 |
| Public Accommodations | 8 | 117 | 12 | 111 | 11 | 80 |

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 is 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 Accommodations | Total |
|-----------------|------------|-----------|-----------------------|------------|
| FY 18-19 | 47 | 19 | 28 | 94 |
| FY 19-20 | 35 | 18 | 22 | 75 |
| FY 20-21 | 57 | 28 | 16 | 101 |

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 Accommodations | Total |
|-----------------|-------------|------------|-----------------------|-------------|
| FY 18-19 | 940 | 172 | 135 | 1241 |
| FY 19-20 | 1082 | 126 | 155 | 1362 |
| FY 20-21 | 1024 | 150 | 120 | 1294 |

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.

ADR Mediations and Conciliations Completed

| Mediations | | | Conciliations | | | Total | | |
|------------|---------|-------|---------------|---------|-------|-------|---------|-------|
| Total | Settled | Value | Total | Settled | Value | ADR | Settled | Value |

| | | | | | | | | | |
|---------|-----|-----|-------------|----|----|-----------|-----|-----|-------------|
| 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 |
| FY20-21 | 208 | 104 | \$1,278,029 | 73 | 38 | \$704,320 | 281 | 142 | \$1,982,349 |

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.

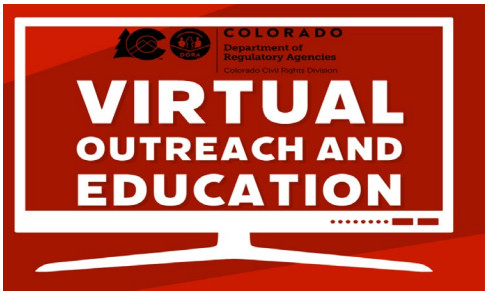
In Fiscal Year 2020-2021, the CCRD engaged in a robust schedule of outreach and education. These classes have been traditionally provided in the Denver office, and in-person throughout the State of Colorado bringing the courses to cities from the Front Range to the Western Slope, to the Eastern Plains. However, due to the limitations and restrictions on public gatherings because of the COVID-19 pandemic, CCRD's 2020 Outreach and Educational efforts switched to exclusively digital. All the same courses that were traditionally offered in-person are now offered as webinars, making it more accessible for the public to learn about anti-discrimination in Colorado. These classes

provided an overview of the CADA as well as an overview of the CCRD and CCRC investigation and determination process.

Additionally, the Division partners with other organizations to provide outreach and education, as well as leverages valuable resources by working with various organizations including local governments, academic institutions, non-profit organizations, and other government agencies. Education and outreach programming continues to be a vital public service, in providing a greater ability to educate the public regarding anti-discrimination laws.

Training & Outreach Events Conducted in the Colorado Community

| Fiscal Year | Trainings | Trainings as Part of a Settlement | Outreach Events | Total |
|-------------|-----------|-----------------------------------|-----------------|-------|
| FY18-19 | 62 | 10 | 15 | 77 |
| FY19-20 | 64 | 13 | 30 | 94 |
| FY20-21 | 63 | 36 | 21 | 99 |



The Division also continues to maintain a website at ccrd.colorado.gov, where the public can learn about the Division and Commission, attend any upcoming commission meetings, 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.

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 |
|---------------------|--------------|
| State General Funds | \$2,560,174 |
| Grant Funds | \$1,348,501 |
| Total | \$ 3,908,675 |

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 | <p>A second Sunset Review left the Commission and the Division stronger when legislators amended the statutes as follows:</p> <ul style="list-style-type: none"> ● 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.



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| 1992 | <p>Legislators fine-tuned the State’s fair housing law to meet certain federal equivalency requirements as follows:</p> <ul style="list-style-type: none"> • 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 | <p>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.</p> |
| 1999 | <p>Colorado Civil Rights Division’s third legislative Sunset Review left the agency with two new statutory mandates:</p> <ul style="list-style-type: none"> • 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 | <p>The U.S. Courts of Appeals for the 10th Circuit in <i>Barzanji v. Sealy Mattress Co</i>, 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.</p> |
| 2007 | <p>The legislature added sexual orientation, including transgender status, as a protected class in employment cases.</p> |
| 2008 | <p>The legislature added sexual orientation, including transgender status, as a protected class in housing and public accommodation cases, but excluded churches and other religious organizations from jurisdiction under the public accommodation statute.</p> |
| 2009 | <p>The Colorado Civil Rights Division’s fourth legislative Sunset Review left the agency in place with three new statutory mandates:</p> <ul style="list-style-type: none"> • 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.

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| 2016 | <p>The state legislature passed the <i>Pregnancy Workers Fairness Act of 2016</i>, 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.</p> |
| 2018 | <p>The Colorado Civil Rights Division's fifth legislative Sunset Review left the agency in place with three new statutory mandates:</p> <ul style="list-style-type: none"> • 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 | <p>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.</p> <p>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.</p> |

2020

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.