



Dora

Department of Regulatory Agencies

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Bill Ritter, Jr.
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 Executive
 Director

March 17, 2009

Ms. Lisa Mottet, Director
 Transgender Civil Rights Project
 National Gay and Lesbian Task Force
 1325 Massachusetts Avenue NW, Suite 600
 Washington, DC 20005

Dear Ms. Mottet:

You have requested information regarding the new anti-discrimination protections covering transgender people under Colorado law. We are pleased to provide the following summary of the law, together with a review of the claims that the Colorado Civil Rights Division (CCRD) has processed since the law went into effect.

In 2007, Colorado enacted Senate Bill 25, which amended the employment provisions of the Colorado Antidiscrimination Act, C.R.S. §24-34-301, *et seq.*, to include protection for the class of "sexual orientation." This amendment became effective on August 3, 2007. In 2008, Colorado enacted Senate Bill 200, which expanded this protection to housing and public accommodations. This amendment became effective on May 29, 2008. The Act now defines "sexual orientation" as including "heterosexuality, homosexuality, bisexuality, transgender status, or the perception thereof."

CCRD is responsible under the Act for processing administrative charges of discrimination filed against employers or other covered entities. To date, 47 complainants have filed charges alleging that they were discriminated against on the basis of sexual orientation. Confidentiality requirements of the Act prohibit CCRD from disclosing any personal details, including the identity of complainants or respondents, involved in these cases. We may, however, provide a general overview and a summary of the types of allegations filed.

Of the 47 charges filed to date, 43 were employment cases, 2 were housing cases, and 2 were public accommodations cases. CCRD has closed 24 of these cases, while 23 are still being actively processed as of this date. Following are additional details concerning these cases, including the cases filed by subcategory of sexual orientation and types of allegation:

Breakdown by Subcategory of "Sexual Orientation":

Bisexual	1
Gay/Lesbian	32
"Perceived As"	3
Straight/Heterosexual	4
Transgender	7
Total Charges Filed (Aug 3, 2007 - March 17, 2009)	47

Breakdown by Type of Allegation of Discriminatory Conduct*:

Employment Cases (43 Charges Filed)

Harassment	24
Discharge	26
Constructive Discharge	10
Suspension	2
Unequal Compensation	2
Failure/Refusal to Hire	1
Demotion	2
Refusal to Promote	2

Housing Cases (2 Charges Filed)

Harassment	2
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Public Accommodations Cases (2 Charges Filed)


Denial of Access	2
Harassment	1

**Note: An individual charge may involve more than one allegation of discriminatory conduct. For example, a complainant may allege harassment together with constructive discharge.*

Finally, you have asked whether any individuals have attempted to use the new protections covering transgender status in Colorado “in inappropriate ways in bathrooms, locker rooms, and with dress codes.” This has not occurred in any of the cases filed with CCRD. Of the 5 charges of employment discrimination filed by individuals who identified themselves as transgender, all of the cases involved allegations of unfair employment practices such as discharge, suspension, or discriminatory harassment. Of the 2 cases of public accommodations discrimination filed by individuals who identified themselves as transgender, both involved denial of access and one of the cases involved a claim of discriminatory harassment.

I hope this information has been responsive to your request. Thank you for your interest.

Very truly yours,



Jamie Sharp
Deputy Director
Civil Rights Division
Colorado Department of Regulatory Agencies