



Am I Covered?

Sometimes, our everyday definitions around gender and sexuality and Colorado's legal language don't match up. Although this may be confusing, it is important to remember that anti-discrimination policies and other legal protections in Colorado that include "sexual orientation" also include protections for gender identity, gender expression, and transgender status, in addition to sexual orientation as we use it in day-to-day language. While it is still worthwhile to push for these terms to be specifically enumerated in anti-discrimination and other policies to publicly telegraph an organization's inclusivity of transgender and gender nonbinary people, it is important to remember that transgender and gender nonbinary people are legally covered within policies that reference sexual orientation only. If the terms 'gender identity,' 'gender expression', and 'transgender status' are added to non-discrimination policies, it doesn't change their legal coverage, but it does demonstrate that an organization values its transgender and gender nonbinary members.

Let Define our Terms....

Sexual orientation- an interpersonal identity, describing which people we are physically, emotionally and/or romantically attracted to, all in relation to how we identify ourselves.

Assigned sex or sex assigned at birth- Largely based on physical anatomy, and usually goes on birth certificate. Although people's gender identity is often assumed to be the same as their assigned sex, that is not true. 'Cisgender' people's gender identify is the same as their assigned sex at birth; transgender people's are not.

Gender expression- The way we show our gender to the world, or are expected to do so. These expectations are socially constructed (though still quite real!)

Gender, or gender identity- an identity that describes how we relate to ourselves. This is in our hearts and minds and we cannot tell, nor perfectly comprehend, how another feels on the inside.

Colorado Laws and Rules

3 CCR 708-1 — “State of Colorado Civil Rights Commission Rules and Regulations”
- “The term ‘sexual orientation’ as defined in the Law means a person’s orientation toward heterosexuality, homosexuality, bisexuality, transgender status or another person’s perception thereof”
- “The term ‘transgender’ means having a gender identity or gender expression that differs from societal expectations based on gender assigned at birth”

3 CCR 708-1, Rule 81.11 — “Gender Segregated Facilities”
- “(B) ...All covered entities shall allow individuals the use of gender segregated facilities that are consistent with their gender identity. Gender segregated facilities include, but are not limited to, restrooms, locker rooms, dressing rooms, and dormitories

CCR 708-1, Rule 81.8 — “Sexual Orientation Harassment”
- “...Prohibited conduct includes, but is not limited to the following

Colorado Laws and Rules (continued)

- (1) Asking unwelcome personal questions about an individual's sexual orientation;
- (2) Intentionally causing distress to an individual by disclosing to others the individual's sexual orientation;
- (3) Using offensive names or terminology regarding an individual's sexual orientation; or
- (4) deliberately misusing an individual's preferred name, form of address, or gender-related pronoun

C.R.S. 24-34-601 — "Discrimination in Places of Public Accommodation"

"It is a discriminatory practice and unlawful for a person, directly or indirectly, to refuse, withhold from, deny to an individual or group, because of disability, race, creed, color, sex, sexual orientation, marital status, national origin, or ancestry, the full and equal enjoyment of the goods , services, facilities, privileges, advantages, or accommodations of a place of public accommodation..."

*The CCR is the Code of Colorado Regulations.