



NEWS RELEASE

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Original Pancake House Case Shows Persistence of Sexual Harassment in the Workplace

Comments from Steven Chavez, Director of the Civil Rights Division (CCRD) of DORA.

(Denver, Colorado, March 10, 2011) - Steven Chavez, Director of the Civil Rights Division of DORA, commented today on the case of workplace sexual harassment involving the Original Pancake House in Boulder, which has drawn recent attention and headlines due to police arrests of male coworkers of the victim on charges of unlawful sexual contact. "The most important issue here is that despite long-standing laws and public policies against sexual harassment, many employees still endure hostile workplaces based upon gender in Colorado. DORA's Civil Rights Division is committed to ensuring that all Coloradans may live and work free of such discriminatory treatment."

Chavez stated that the Division's probable cause finding in the case, *Virgie Baker v. The Original Pancake House Boulder*, issued on December 14, 2010 "found that the Boulder restaurant had permitted severe and pervasive sexual harassment of the complainant by both coworkers and a manager to occur over a period of several years. CCRD took this matter very seriously and that is why our agency conducted a thorough year-long investigation, including review of multiple documents and interview of numerous witnesses, before we ruled on the case."

The Colorado Civil Rights Commission affirmed CCRD's probable cause finding by unanimously voting at their January 28, 2011 meeting to set the case for hearing before an administrative law judge (ALJ). The case is currently scheduled for public hearing before the ALJ on May 31, 2011. Copies of the administrative complaint, notice of hearing, and CCRD's probable cause determination are available for download at www.dora.state.co.us/civil-rights.

Chavez noted that the Colorado Antidiscrimination Law requires CCRD to keep cases of alleged discrimination strictly confidential until the Civil Rights Commission sets the case for hearing before an ALJ. "There is a good reason for the confidentiality provision of our law," Chavez stated. "To be fair to everyone involved our work cannot be publicized and must remain confidential, even from the police, until CCRD makes a probable cause finding and the parties have an opportunity to resolve the matter through conciliation, a form of mediation. Even then the case must remain confidential until the Commission agrees to set it for a hearing. In addition, CCRD fully cooperated with the Boulder Police Department to the extent provided CCRD's strict confidentiality laws. At no time did CCRD's investigation process hinder the investigation of the Boulder Police Department."

Chavez further noted as follows: "In this case the restaurant rebuffed our attempts to conciliate, even though our probable cause finding detailed substantial evidence of sexual harassment. That is why we asked the Commission to set the case for a public hearing. We look forward to the public hearing as a way to remind everyone in Colorado that the law mandates a safe and respectful workplace, free of discriminatory treatment."

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DORA is dedicated to preserving the integrity of the marketplace and is committed to promoting a fair and competitive business environment in Colorado. Consumer protection is our mission.