STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

DECLARATORY RULING ON THE PETITION
FILED BY THE OFFICE OF THE STATE COMPTROLLER

I. INTRODUCTION

On January 25, 2017, the Commission on Human Rights and Opportunities ("the Commission") received a petition for declaratory ruling from the Office of the State Comptroller ("the Comptroller") on behalf of the Connecticut State Employee Campaign Committee ("the CSECC") regarding the participation of the American Family Association ("the AFA") in the Connecticut State Employee Charitable Campaign ("the Campaign").

At its regular meeting on March 8, 2017, the Commission voted to issue a declaratory ruling in response to the Comptroller's petition by July 24, 2017. The Commission had a Notice published in the Hartford Courant from February 25-27, 2017. Copies of the Notice were also sent to the AFA and Neighbor to Nation, the charitable federation of which the AFA is a member. The Notices as published and mailed announced – pursuant to Conn. Gen. Stat. § 4-176(c) – the filing of the petition, the issues presented, and that any person seeking to become a party or intervene in the proceedings could do so through March 31, 2017.

An application for intervenor status was received from the AFA on March 28, 2017. This was the only application for party or intervenor status filed with the Commission in the course of these declaratory ruling proceedings. At its regular meeting on May 10, 2017, the Commission voted to grant the AFA's application for intervenor status pursuant to Conn. Gen. Stat. § 4-176(d) and Regs. Conn. State Agencies § 46a-54-125.

Pursuant to Conn. Gen. Stat. § 4-176(e) and Regs. Conn. State Agencies § 46a-54-126(c)(1), the Commission now issues this declaratory ruling.

II. PARTIES AND INTERVENORS

The sole party to these declaratory ruling proceedings is:

Connecticut State Employee Campaign Committee
c/o Kevin Lembo, Comptroller
Office of the State Comptroller
55 Elm Street
Hartford, CT 06106

The sole intervenor in these declaratory ruling proceedings is:

American Family Association
c/o Abraham Hamilton III, General Counsel
107 Parkgate Drive – PO Box 2440
Tupelo, MS 38803

III. FACTS PRESENTED

In its petition for declaratory ruling, the Comptroller provided the following background information:

> The Connecticut State Employee Campaign (the "Campaign") is an annual workplace charitable campaign established to "raise funds from state employees for charitable and public health. Welfare, environmental, conservation and service purposes." Conn. Gen. Stat. § 5-262. The Campaign is governed by the [CSECC] which is made up of current state employee[s] and public officials or their designees....
>
> In addition, Connecticut State Comptroller Kevin Lembo, is not only a member of the Committee but is also entrusted with the duty of exercising general supervision over all operations of the Campaign, including the authority to audit, investigate and provide reports on the [C]ampaign's participating federations and charities to ensure compliance with applicable laws and regulations that govern the campaign....
>
> Member organizations participate through federations. A member organization files its Campaign application with its parent federation, which maintains the application. The parent federation then files an annual application with the Committee attesting to its member organizations' compliance with all of the Committee's requirements. The application requires, inter alia: *a document signed by an officer or the executive director of a federation, certifying... that the federation maintains on file the following documents for itself and for each member agency... (vii) a written policy of non-discrimination....*

> The [CSECC], acting through a subcommittee, reviews all applications for completeness and for compliance with eligibility standards. The [CSECC]'s regulations also provide for the removal of a federation or one of its member organizations from a campaign if that federation or member organization fails to adhere to the eligibility requirements or the policies and procedures of the Campaign.... If a member organization's eligibility to participate in the Campaign is withdrawn by the [CSECC], the federation may not distribute funds raised in the Campaign to that organization.

(Emphasis in original; citations omitted.) See, Petition for Declaratory Ruling, 1-2.

On November 22, 2016, Timothy Newton, Chair of the CSECC, received an email from an individual who objected to the inclusion of the AFA in the Campaign. Mr. Newton forwarded the email to the Comptroller's office later that day. See, Exhibit 1 to Petition for Declaratory Ruling.

In a letter dated November 30, 2016, the Comptroller notified the President of the AFA that he was "initiating an investigation to determine whether AFA is in compliance with the requirements of the [Campaign]." See, Exhibit 2 to Petition for Declaratory Ruling; First Attachment to Application for Intervenor Status. The letter also requested that the AFA provide to the Comptroller a number of documents regarding the AFA's nondiscrimination policy, compliance with federal and state laws, and delivery of services consistent with the mission of the Campaign. One of the requested documents was a board-approved nondiscrimination policy affirming that the AFA does not discriminate on the basis of classes that are protected in Connecticut.

In a letter dated December 14, 2016, the AFA, through its general counsel, declined to provide the documentation requested by the Comptroller, stating that it had "no legal obligation to respond any further to [the Comptroller's] inquiry." See Exhibit 4 to Petition for Declaratory Ruling; Second Attachment to Application for Intervenor Status.

In a letter dated January 5, 2017, Mr. Newton informed the President of the AFA that the CSECC had voted to withdraw the AFA's eligibility to participate in the Campaign, citing the AFA's "failure to provide a copy of its board certified non-discrimination policy." See Exhibit 5 to Petition for Declaratory Ruling; Fourth Attachment to Application for Intervenor Status. The letter also informed the AFA of its right to appeal the withdrawal of eligibility in writing within 10 business days and that, if such an appeal were submitted, the CSECC would provide the AFA a hearing within 10 business days.

In a letter dated January 6, 2017, the AFA, through its general counsel, formally appealed the CSECC's withdrawal of eligibility. The AFA included in the letter its nondiscrimination policy, which states:

> [The] American Family Association (AFA) is an equal opportunity employer, and hires without regard to race, color, ancestry, national origin, citizenship, age, sex, marital status, veteran [status], current or future military status, physical or mental disability, genetic information, parental status or disability of an otherwise qualified individual. AFA will make reasonable accommodation in the application process. In addition to being a non-profit corporation, AFA is also a faith based religious organization. As a faith based religious organization, pursuant to the Civil Rights Act of 1964, Section 702 (42 U.S.C. § 2000e), AFA has the right to and does only hire candidates who agree with our Statement of Faith.

See, Exhibit 6 to the Petition for Declaratory Ruling; Fifth Attachment to Application for Intervenor Status. The AFA also cited in the letter Conn. Gen. Stat. § 46a-81p – the statute exempting certain religious organizations from the statutes prohibiting discrimination on the basis of sexual orientation – as confirmation that its policy was in compliance with Connecticut law.

In a letter dated January 17, 2017, Mr. Newton confirmed receipt of the AFA's appeal for reinstatement in the Campaign. See, Exhibit 7 to the Petition for Declaratory Ruling; Sixth Attachment to Application for Intervenor Status. This letter indicated,

however, that in light of the AFA's reliance on Conn. Gen. Stat. § 46a-81p – a statute within the jurisdiction of the Commission – the CSECC would seek a declaratory ruling from the Commission and hold the appeal pending a Commission ruling.

The petition for declaratory ruling was filed on January 25, 2017.

IV. ANALYIS OF THE ISSUES PRESENTED BY THE PETITION

The Comptroller has requested a declaratory ruling from the Commission on the following issues:

1. Does the AFA's exclusion of sexual orientation and gender identity from its nondiscrimination policy violate any state antidiscrimination statute or regulation over which the Commission has any oversight or jurisdiction?

2. Does the AFA qualify as a "religious organization" within the meaning of Conn. Gen. Stat. §§ 46a-81p and 46a-81aa?

3. Is the CSECC's inclusion of the AFA in the Campaign in violation of any state law over which the Commission has oversight or jurisdiction, including, but not limited to, Conn. Gen. Stat. §§ 46a-81i, 46a-81l, and 46a-81n?

The Commission answers "yes" to the first and third questions, but "no" to the second.

A. Contextual Background

"[T]here exists a general public policy in this state to eliminate all forms of invidious discrimination." Thibodeau v. Design Group One Architects, LLC, 260 Conn. 691, 706 (2002). See also, Curry v. Allan S. Goodman, 286 Conn. 390, 412 (2008) ("[the intent of the legislature is to stamp out discrimination"); Quinnipiac Council v. CHRO, 204 Conn. 287, 297 (1987) ("Among the compelling interests that [Connecticut's civil rights] statutes serve is the state's interest in eliminating discrimination...."); Evening Sentinel v. NOW, 168 Conn. 26, 34 (1975) ("The people of this state and their legislators have unambiguously indicated an intent to abolish... discrimination. The history of this mass of legislation evidences a firm commitment... to do away with... discrimination altogether.").

State government has led the charge toward eliminating discrimination through the requirements and proscriptions it sets for itself. Connecticut state agencies, including the Comptroller, are required by statute to perform their services without discrimination on the basis of race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, or sexual orientation. Every state contract or subcontract for public works or goods and services must conform to the goal of prohibiting and preventing discrimination of the basis of these same protected classes.[1] No state facility may be used in the furtherance of any discrimination, nor may any agency become a party to an agreement or arrangement which has the effect of sanctioning discrimination. See Conn. Gen. Stat. §§ 46a-71 and 46a-81i.

The requirement that state services be performed free of unlawful discrimination extends to the execution of the Campaign. Conn. Gen. Stat. § 5-262 governs general Campaign operations, including the composition and duties of the CSECC. Ten state employees from ten different state agencies, in addition to the Comptroller, the Commissioner of Administrative Services, and the Executive Director of the Joint Committee on Legislative Management, or their designees, serve on the CSECC. Conn. Gen. Stat. § 5-262(h). Of the ten state-employee members of the CSECC, four are appointed by the Governor, and one each is appointed by the Speaker, Majority Leader,

[1] Conn. Gen. Stat. §§ 46a-71(d) and 46a-81i(d) specifically require that every state contract or subcontract "for construction on public buildings or for other public work or for goods and services shall conform to the intent of" Conn. Gen. Stat. §§ 4a-60 and 4a-60a, respectively. These latter statutes require that contractors and subcontractors on state contracts agree not to discriminate or permit discrimination on the basis of the protected classes just listed, and to take affirmative action to ensure that their hiring is conducted without discrimination on the bases of those protected classes.

and Minority Leader of the House of Representatives and the President Pro Tempore, Majority Leader, and Minority Leader of the Senate.[2] Conn. Gen. Stat. § 5-262(b)(2). The duties of the CSECC include the following: overall coordination of the Campaign; selection of participating charitable federations; approval of campaign materials to be used for the Campaign; selection and supervision of a "principal combined fund-raising organization" to administer the Campaign; conducting an annual comprehensive review of the Campaign; and submitting to the Governor, the Comptroller, and the General Assembly a report on the results of the most recent Campaign and recommendations for improvements in the next Campaign. Conn. Gen. Stat. § 5-262(c)-(i).

The Comptroller, in addition to being a member of the CSECC, has the following duties with regard to the Campaign: adopting regulations to carry out the Campaign; exercising general supervision over all Campaign operations and taking any steps necessary to ensure achievement of campaign objectives; and auditing, investigating, and reporting on the administration of the Campaign, the principal combined fund-raising organization, and any charitable federation or member organization that participates in the Campaign. Conn. Gen. Stat. § 5-262(h). The Comptroller is also required, on behalf of the CSECC, to enter into a contract with the principal combined fund-raising organization that administers the Campaign. Conn. Gen. Stat. § 5-262(c)(4).

State employees, meanwhile, are involved in the Campaign beyond serving on the CSECC or contributing funds to an organization through the Campaign. State employees may be solicited for contributions during work hours. State agencies may also authorize their employees to be "loaned" as "volunteer[s] to be assigned on a full or part time

---

[2] The remaining two are representatives of labor unions.

basis... to conduct or assist in the operation" of the Campaign. Such loaned employees retain their salary and benefits even while assisting in Campaign operations. See Regs. Conn. State Agencies § 5-262-2.

Organizations seeking to receive Campaign funds are required to "[h]ave a stated policy of non-discrimination and be in compliance with *all requirements* of law and regulations respecting non-discrimination[and] equal opportunity". (Emphasis added.) Regs. Conn. State Agencies § 5-262-3(k). The AFA does maintain a nondiscrimination policy, in which it describes itself as a "faith based religious organization". This policy, however, omits sexual orientation and gender identity and expression from the list of classes which the AFA does not expressly discriminate against. The policy also states that the AFA "has the right to and does only hire candidates who agree with [its] Statement of Faith." While the Statement of Faith referred to has not been provided, in a letter to the Comptroller the AFA indicated that it "believes God has communicated absolute truth to mankind through the Bible", "that a culture based on Biblical truth best serves the well being of our nation and our families in every area, including human sexuality", and that "personal transformation through the Gospel of Jesus Christ is the greatest change agent of any culture." See Exhibit 4 to Petition for Declaratory Ruling; Second Attachment to Application for Intervenor Status.

B. The AFA's nondiscrimination policy violates state antidiscrimination statutes over which the Commission has oversight and jurisdiction.

Connecticut's antidiscrimination statutes prohibit discriminatory employment policies. See Boy Scouts of Am. v. Wyman, 335 F.3d 80, 93 (2d Cir. 2003); Conn. Gen. Stat. §§ 46a-60(a)(6) and 46a-81c(4). The AFA's nondiscrimination policy is itself discriminatory under Connecticut law in two ways. First, the policy omits sexual

orientation and gender identity and expression from the list of classes against which the AFA does not expressly discriminate. "Symbolic discrimination as in the instant case is every bit as restrictive as naked exclusions.... The [Connecticut fair employment statute] operates to eliminate not only the unjustified exclusion of people from occupations, but also the practices leading to and facilitating such discrimination." Evening Sentinel, 168 Conn. at 35. The omission of those classes from the AFA's nondiscrimination policy sends the message that individuals may be subjected to discrimination on either or both of those bases. The difference between a nondiscrimination policy that states, in essence, "we cannot guarantee that we do not discriminate" and one which states "we guarantee that we do discriminate" is, in the words of our courts, "nugatory". Id., at 35-36. Both are variations on the same theme which Connecticut's antidiscrimination statutes prohibit.

The second way in which the AFA's nondiscrimination policy discriminates is in the broad requirement that all candidates – regardless of the position applied for – agree with the AFA's "Statement of Faith". Assuming that identical or similar beliefs to those provided to the Comptroller are reflected in the AFA's Statement of Faith, hiring in accordance with that Statement would have the effect of discriminating against individuals whose religious creed, if any, does not conform to those same beliefs. While organizations of a religious nature may consider religion in making certain employment decisions, "[b]lanket exclusions... fly in the face of the command to individuate that is central to fair employment practices." Connecticut Inst. for the Blind v. CHRO, 176 Conn. 88, 96 (1978). Parochial schools, for example, have broad discretion with regard to their employment of ministerial employees; see Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC, 132 S.Ct. 694 (2012); but that discretion does not extend to non-ministerial staff;

see CHRO v. Archdiocesan School Office, 202 Conn. 601, 607-8. The breadth of the AFA's policy and practice to seemingly all positions without regard to their ministerial functions renders them unlawful under Connecticut's antidiscrimination statutes.

C. The AFA does not qualify as a "religious organization" within the meaning of Conn. Gen. Stat. §§ 46a-81p and 46a-81aa.

While the AFA acknowledges the omissions and exclusions in its nondiscrimination policy, it has invoked the benefits of certain state and federal religious exemptions. "At the outset, we note that [Connecticut courts] have long held that provisos and exceptions to statutes are to be strictly construed with doubts resolved in favor of the general rule rather than the exception and that those who claim the benefit of an exception under a statute have the burden of proving that they come within the limited class for whose benefit it was established." (Internal quotation marks omitted.) Gay & Lesbian Law Students Assn. v. Bd. of Trustees, 236 Conn. 453, 473-74 (1996).

The state exemptions cited to by the AFA preclude liability for discrimination based on sexual orientation or gender identity and expression from attaching to

> a religious corporation, entity, association, educational institution or society with respect to the employment of individuals to perform work connected with the carrying on by such corporation, entity, association, educational institution or society of its activities, or with respect to matters of discipline, faith, internal organization or ecclesiastical rule, custom or law which are established by such corporation, entity, association, educational institution or society.

See Conn. Gen. Stat. §§ 46a-81p and 46a-81aa. The legislative history of these statutes is less than definitive. When introducing the amendment that ultimately became Conn. Gen. Stat. § 46a-81p, Representative Richard Tulisano indicated that in determining whether an entity falls within the scope of the statute the Commission should "look to the Connecticut General Statutes for [its] first guidance". 34 H.R. Proc., Pt. 7, 1991 Sess., p.

2629-30. He went on to suggest that Conn. Gen. Stat. § 33-264a, which defines the formation of religious corporations and societies, would "be the appropriate guiding matter." Id. That statute states, in relevant part, that "[t]hree or more persons uniting for public worship may form a corporation or a voluntary association. Such a corporation shall be called a religious corporation and such a voluntary association shall be called a religious society." In the same legislative debate, however, Representative Tulisano suggested that the answer could be guided instead by whether an entity is tax exempt on religious grounds. 34 H.R. Proc., supra, p. 2611.

The burden lies on the AFA to prove, in light of the ambiguous legislative history, that it falls within the limited class of entities for whom Conn. Gen. Stat. §§ 46a-81p and 46a-81aa were established. The AFA asserts that it is a "non-profit 501(c)(3) faith based religious organization". See Application for Intervenor Status. But the AFA's own assertions, without more, do not satisfy its burden. See Cologne v. Westfarms Associates, 197 Conn. 141, 153–54 (1985). There is no evidence that the AFA's purpose is public worship, as Conn. Gen. Stat. § 33-264a requires. The Commission must therefore resolve the second question posed in the petition by concluding that the AFA is not exempt under Conn. Gen. Stat. §§ 46a-81p or 46a-81aa. For the reasons explained in Section D of this ruling, however, the AFA's status as a religious organization does not affect whether the state may permit the AFA to continue participating in the Campaign.

The AFA also refers to Title VII of the Civil Rights Act of 1964 in its nondiscrimination policy for the proposition that it may only hire candidates who agree with its Statement of Faith. Title VII does exempt certain religious entities from the federal statutes prohibiting discrimination on the basis of religion. See 42. U.S.C. § 2000e-1.

Even assuming that the AFA falls within this exemption, however, Title VII is a federal statute, one which the Connecticut Supreme Court has made clear is only a starting point in interpreting Connecticut law. State v. CHRO, 211 Conn. 464, 470 (1989). While Connecticut has included certain religious exemptions among its own antidiscrimination provisions – such as Conn. Gen. Stat. §§ 46a-81p and 46a-81aa – there is no express statutory exemption for religious entities seeking to discriminate on the basis of religion.

"Where express exceptions are made, the legal presumption is that the legislature did not intend to save other cases from the operation of the statute." Gay & Lesbian Law Students Assn., 236 Conn. at 476 ("th[is] tenet of statutory construction [is] referred to as expressio unius est exclusio alterius, which may be translated as 'the expression of one thing is the exclusion of another.'"). After all, "when the legislature chooses to act, it is presumed to know how to draft legislation consistent with its intent and to know of all other existing statutes and the effect that its action or nonaction will have upon any one of them." McCoy v. Comm'r of Pub. Safety, 300 Conn. 144, 155 (2011). The presence of other religious exemptions in our state statutes, then, leads the Commission to conclude that the legislature did not intend to exempt religious organizations from compliance with the prohibitions on discrimination based on religious creed. See Conn. Gen. Stat. 1-2z.

D. Inclusion of the AFA in the Campaign would constitute a violation of state law over which the Commission has oversight and jurisdiction.

In addressing the third question posed by the petition we are properly guided by the decision of the Second Circuit in Boy Scouts of Am. v. Wyman, 335 F.3d 80 (2d. Cir. 2003), which dealt with nearly identical circumstances. In that case, the Boy Scouts of America ("BSA") had been removed from participation in the Campaign due to its discriminatory exclusion of gay employees and members. Id., at 85-86. A declaratory

ruling was sought from the Commission on whether the BSA or the CSECC's inclusion of the BSA in the Campaign violated Connecticut's statutes prohibiting discrimination on the basis of sexual orientation. Id. The Commission ultimately ruled that the BSA was in violation of Connecticut's statutes prohibiting discrimination on the basis of sexual orientation and that, as a result, the CSECC's inclusion of the BSA in the Campaign would violate statutes prohibiting the state from furthering such discrimination. Id.

The case before the Second Circuit stemmed from the BSA's attempt to enjoin the CSECC from effectuating its exclusion from the Campaign. Nevertheless, the Second Circuit was called on to consider the instigating reason for the CSECC's action, namely the Commission's determination that the CSECC's inclusion of the BSA in the Campaign would be a violation of Connecticut antidiscrimination statutes. On this point the court concluded that "[g]iven the level of participation of state agencies in the Campaign, we cannot say that the CHRO's interpretation of state law on this matter was unreasonable.... [T]he CHRO's decision that allowing the [BSA] to participate in the Campaign would violate Connecticut's [antidiscrimination] law was a correct and constitutional application of that law...." Id., at 97-98.[3]

---

[3] Courts nationwide have looked to the Wyman decision for guidance. Even a decision which resulted in religious organizations being included in a similar state campaign noted that such an outcome must stand "in sharp contrast to the situation in Wyman, where Connecticut state law expressly prohibited state agencies from providing support to organizations which discriminate on the basis of sexual orientation.... In that situation, admitting such an entity to the state employee charitable campaign was not only contrary to a clearly stated public policy, but arguably in direct violation of state law." (Citation omitted.) Assn. of Faith-Based Organizations v. Bablitch, 454 F. Supp. 2d 812, 817 (W.D. Wis. 2006) (allowing inclusion of religious organization in charitable campaign because Wisconsin had statutes expressly permitting such organizations to discriminate on the basis of religion in their hiring, including a state equivalent of the Title VII exemption).

The decision of the Connecticut Supreme Court in Gay & Lesbian Law Students Assn. provides additional guidance. That case involved recruiting by military employers on the campus of the University of Connecticut School of Law at a time when the military explicitly discriminated on the basis of sexual orientation in who it employed. Gay & Lesbian Law Students Assn., 236 Conn. at 455-57. The court held that while the military was permitted (at the time) to discriminate on that basis, the state was violating Connecticut law by allowing the military to recruit on a state campus. Id., at 466-67, 470-71. In doing so the court noted that the law school's career services office "had allocated resources to military employers" including "allowing the military to use the services of the placement office and to conduct on-campus interviews". Id., at 466-67. The court concluded that "[b]y providing its facilities for on-campus interviews by a discriminatory employer, and by participating in the arrangement and scheduling of these interviews on behalf of such an employer, *the law school*, and not the military, has knowingly violated the specific provisions of" the statutes prohibiting the state from furthering discrimination on the basis of sexual orientation. (Emphasis added.) Id., at 470.

In both Wyman and Gay & Lesbian Law Students Assn., the issue was not whether the organization which had been receiving state resources was liable for a violation Connecticut's antidiscrimination statutes. In Wyman, a United States Supreme Court decision had made clear that the BSA had, through the freedom of association guaranteed by the First Amendment, the right to be selective in whom it admitted for membership. Wyman, 335 F.3d at 91. And in Gay & Lesbian Law Students Assn., the military was permitted to discriminate on the basis of certain protected classes including sexual orientation. Gay & Lesbian Law Students Assn., 236 Conn. at 473. The crux of

these decisions was that, regardless of whether liability might attach to the organization, *the state* could not provide its resources, services, or facilities in furtherance of the discrimination engaged in by the BSA or the military. Id.; Wyman, 335 F.3d at 97.

The involvement of the state in the operations of the Campaign is extensive. In light of the AFA's discriminatory nondiscrimination policy, and regardless of whether the AFA itself may be exempt from liability, inclusion of the AFA in the Campaign would result in significant state resources being used to further unlawful discrimination. The services of the Comptroller and the CSECC relating to the Campaign could not be performed without such discrimination. Conn. Gen. Stat. §§ 46a-71(a) and 46a-81c(1). The Comptroller, every state agency whose employees participate in or volunteer on behalf of the Campaign, and every public official who appoints state employees to the CSECC, would all be parties to an arrangement having the effect of sanctioning discrimination. Conn. Gen. Stat. §§ 46a-71(b) and 46a-81c(2). Solicitation for the Campaign occurring in state workplaces would represent the use of state facilities in furtherance of discrimination. Id. The contracts entered into between the Comptroller and the principal combined fund-raising organization for the administration of the Campaign, and any subcontracts between that organization and the federation to which the AFA belongs, would have the effect of permitting discrimination. Conn. Gen. Stat. §§ 46a-71(d) and 46a-81c(4). These actions would constitute violations by the state of statutes which the Commission is charged with overseeing and enforcing. Sullivan v. Bd. of Police Comm'rs, 196 Conn. 208, 216 (1985) (the Connecticut fair employment statute "not only defines important rights designed to rid the workplace of discrimination, but also vests first-order administrative oversight and enforcement of these rights in the CHRO").

V. CONCLUSION

As this Commission has previously noted, "[p]rivate biases may be outside the reach of the law, but the law cannot, directly or indirectly, give them effect." CHRO Declaratory Ruling on the Petition Filed by the State Employees' Campaign Committee, 18 (Feb. 8, 2001) (quoting Palmore v. Sidoti, 466 U.S. 429, 433 (1984)). The AFA's nondiscrimination policy, which omits classes protected in Connecticut and acts to exclude individuals of other or no religious creed, violates Connecticut's antidiscrimination statutes. The AFA has not met its burden of demonstrating that it is an exempt religious organization under Conn. Gen. Stat. §§ 46a-81p and 46a-81aa. Even assuming that the AFA had met its burden, the CSECC's inclusion of the AFA in the Campaign would be a violation of state law in any event.

COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Adopted by a majority vote of the members of the Commission on Human Rights and Opportunities present and voting at the regular monthly meeting of the Commission held on July 12, 2017 at Hartford, Connecticut.

Attest:

Cherron Payne, Chairperson

7/12/17
Date