

Discrimination is defined in the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344) as any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this law.



What is a Public Accommodation?

The Kentucky Civil Rights Act states that a public accommodation, resort, or amusement includes any place such as a store, restaurant, hotel, motel, professional or other office or other establishment, either licensed or unlicensed, which supplies goods or services to the general public. It includes any establishment that solicits or accepts the patronage or trade of the public. It includes any establishment that is supported directly or indirectly by government funds.

to: restrooms, shower rooms, bath houses and similar facilities which are in their nature distinctly private; the YMCA, YWCA and similar type dormitory lodging facilities; and, hospitals, nursing homes, penal or similar facilities in regard to sharing rooms.

Advertisement of Goods, Services, and Accommodations

It is an unlawful practice for a person, directly or indirectly, to publish, circulate, issue, display, or mail, or cause to be published, circulated, issued, displayed, or mailed, a written, printed, oral, or visual communication, notice, or advertisement, which indicates that the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement will be refused, withheld from, or denied an individual on account of disability, race, color,

religion, or national origin, or that the patronage of, or presence at, a place of public accommodation, resort, or amusement, of an individual, on account of disability, race, color, religion, or national origin is objectionable, unwelcome, unacceptable, or undesirable.

Organizations Not Considered Public Accommodations

Private clubs

A private club is not a place of public accommodation, resort, or amusement if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests.

Rooming or Boarding Houses

A place of public accommodation, resort, or amusement does not include a rooming or boarding house containing not more than one room for rent or hire and which is within a building occupied by the proprietor as his or her residence.

Religious organizations

A place of public accommodation, resort, or amusement does not include a religious organization and its activities and facilities if the application of the Kentucky Civil Rights Act section on public accommodations would not be consistent with the religious tenets of the organization.

However, a religious organization that sponsors nonreligious activities that are operated and governed by the organization, and that are offered to the general public, shall not deny participation by an individual in those activities on the ground of disability, race, color, religion, or national origin.

A religious organization shall not, under any circumstances, discriminate in its activities or use of its facilities on the grounds of disability, race, color, or national origin.

The Right to Equal Enjoyment of Goods and Services

The Kentucky Civil Rights Act and the U.S. Civil Rights Act make it illegal for public accommodations providers to discriminate against people.

It is unlawful for a place of public accommodation, resort or amusement to refuse or deny the full and equal enjoyment of goods, facilities and accommodations to any person because of his or her color, disability, national origin, race or religion.

In addition, it is unlawful to deny an individual, because of sex (gender), the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a restaurant, hotel, motel, or any facility supported directly or indirectly by government funds. This does not apply

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Organizations that teach or advocate hatred

Any organization that teaches or advocates hatred based on race, color, or national origin shall not be considered a religious organization for the purposes of the exemption from being a public accommodation.

Retaliation

It is against the law to retaliate against any person who seeks help for discrimination or any person who complains of discrimination to the Kentucky Commission on Human Rights.

Who Must Comply

The law applies to owners, operators and providers of a public accommodation, resort or amusement. It applies to the managers, representatives and employees of a public accommodation, resort or amusement.

How to File a Complaint

A person who believes he or she has been illegally discriminated against may contact the commission by phone, mail, email, or in person. This begins the complaint process.

Claims of discrimination in public accommodations must be filed within 180 days of the alleged discriminatory incident(s).

After you contact us, our representative will interview you to get details about what occurred. Once it is determined that the Kentucky Commission on Human Rights has jurisdiction to handle the complaint and that your concern meets the requirements for a complaint, your case will be assigned to an enforcement officer.

The enforcement officer will thoroughly and impartially investigate the circumstances of the complaint. The enforcement officer will also work with you and the respondent to reach a satisfactory

resolution by conciliating the case, if possible. A conciliation agreement is similar to a settlement.

Otherwise, after the investigation is complete, and if a probable cause finding is made, the case will move into the litigation phase and will be handled by a commission attorney. The Kentucky Human Rights Board of Commissioners will determine a final outcome and issue a ruling. The commission acts with the authority of a court of law.

Another alternative is to participate in our mediation program. Mediation is an informal, voluntary process, which provides a forum for discussion about the complaint between you, the other parties involved and a neutral commission mediator, with the aim of quickly resolving the complaint. Mediations are private. They can result in agreements with terms such as monetary settlement, changes in policy and more.

If you believe you may be a victim of unlawful discrimination, please call us for help.

Kentucky Commission on Human Rights
Public Accommodations Brochure 2015

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All Doors Are Open In Kentucky



Public Accommodations

Kentucky Commission
on Human Rights

PROTECTOR OF CIVIL RIGHTS
VOICE FOR EQUALITY
CATALYST FOR POSITIVE CHANGE