

South Carolina Human Affairs Commission

**EFFECTIVE POSITION STATEMENTS
AND SUPPORTING DOCUMENTARY EVIDENCE**

SCHAC hereby requests that your organization submit a response to our attached Request for Information. You may include a Position Statement setting forth all facts which pertain to the allegations in the charge of discrimination under investigation, as well as any other facts which you deem relevant for SCHAC's consideration.

Fact-Based Position Statement

- This is your opportunity to raise any and all defenses, legal or factual, in response to each of the allegations of the charge.
- The position statement should set forth all the facts relevant to respond to the allegations in the charge, as well as any other facts the Respondent deems pertinent to SCHAC's consideration.
- The position statement should separately label information that the Respondent asserts should be kept confidential and not released to the Charging Party, such as sensitive medical information, or confidential commercial or financial information.
- SCHAC may release your position statement and non-confidential attachments to the Charging Party and their representative and allow them to respond to enable SCHAC to assess the credibility of the information provided by both parties. It is in Respondent's interest to **provide an effective position statement that focuses on the facts**. SCHAC will not release the Charging Party's response, if any, to the Respondent.
- **SCHAC also requests that you submit all documentary evidence you believe is responsive to the allegations of the charge, or which is responsive to SCHAC's Request for Information.**
- Do not submit only an advocacy statement, unsupported by documentary evidence.
- If no response is received to this request, SCHAC may proceed with a subpoena request.

Provide Your Response by the Due Date

If you do not submit a position statement or respond to SCHAC's requests for information, SCHAC may subpoena specific information related to the allegations in the charge

Segregate Confidential Information into Separately Designated Attachments

If you rely on confidential medical or commercial information in the position statement, you should provide such information in separate attachments to the position statement labeled “Sensitive Medical Information,” “Confidential Commercial or Financial Information,” or “Trade Secret Information” as applicable. Provide an explanation justifying the confidential nature of the information contained in the attachments. Medical information about the Charging Party is not sensitive or confidential medical information in relation to SCHAC’s investigation.

Segregate the following information into separate attachments and designate them as follows:

1. Sensitive medical information (except for the Charging Party’s medical information).
2. Social Security Numbers. (Redact Social Security Numbers)
3. Confidential commercial or financial information.
4. Trade secrets information.
5. Non-relevant personally identifiable information of witnesses, comparators or third parties, for example, social security numbers, dates of birth in non-age cases, home addresses, personal phone numbers and email addresses, etc.
6. Any reference to charges filed against the Respondent by other charging parties.

SCHAC will review attachments designated as confidential and consider the justification provided, as the agency will not condone blanket or unsupported assertions of confidentiality.

Provide your response within the stated deadline. A brief extension **may** be allowed, but only when it is clear that you are working with due diligence to supply all of the necessary information. Evidence of due diligence would include a partial submission of information related to the allegations in the charge. If Respondent believes it requires additional time to respond, it must, at the *earliest possible time* in advance of the due date, make a written request for extension, explain why an extension is necessary, and specify the amount of additional time needed to reply.