

# South Carolina Human Affairs Commission

## Information Needed to Prove a Charge of Unlawful Employment Discrimination

Employment discrimination can be subtle or overt. The nuances, circumstances, or complexities of a particular charge vary from case to case. Filing a charge of unlawful discrimination may lead to filing a court action and it takes evidence and facts to prove a charge of discrimination through SCHAC or in court. Parties alleging discrimination likely have many feelings when filing a charge of discrimination. We understand that such experiences can be emotional. However, to prove employment discrimination, one must **FOCUS ON FACTS, not feelings.** Please consider the following as possible types of evidence you may wish to submit:

- Articulate the facts that support your allegation of employment discrimination.
- Explain what happened. Describe the alleged discriminatory act or show how you were treated differently as it relates to the basis on which you plan to file your charge, such as your **race, color, sex, religion, national origin, age, disability, or due to unlawful retaliation.** **For example, how were you treated differently (fact) than a person of another race, color, sex, religion, national origin, younger age, or lack of disability? Do not focus on how the action made you feel (emotion). Focus on the facts that show and substantiate different treatment.**
- Explain how similarly situated person(s) were treated more favorably than you, as it relates to the basis on which you filed your charge, such as your race, color, sex, religion, age, national origin, or disability.
- If applicable, explain how the action taken against you differs from your employer's policy or practice, or how the policy or practice is discriminatory.
- If you are familiar with or have a copy of your employer's policy on the issue(s) in question, i.e., termination, promotion, discipline, layoff, leave, etc., please share this information with us. (An employer's policies on personnel-related matters may be found in your employee handbook. See if the employer followed their policy.)
- Provide the date that the alleged discriminatory act occurred. (Generally, you must file a charge of discrimination with SCHAC within 180 days of the alleged discrimination. To preserve your right to file a charge, call us immediately if you believe you experienced employment discrimination.)
- Provide the name, location, and size of the employer.
- Provide the name and title of the person(s) who you believe discriminated against you.
- Provide names and contact information such as cell phone numbers, mailing and e-mail addresses for witnesses, if you have any.
- Provide copies of any other supportive documentation you may have to support your allegation of discrimination. This may include any written correspondence, disciplinary or employment termination notices, e-mails, pictures, pink slips, journal/diary of events, or voice mail messages which are related to the alleged discriminatory act.