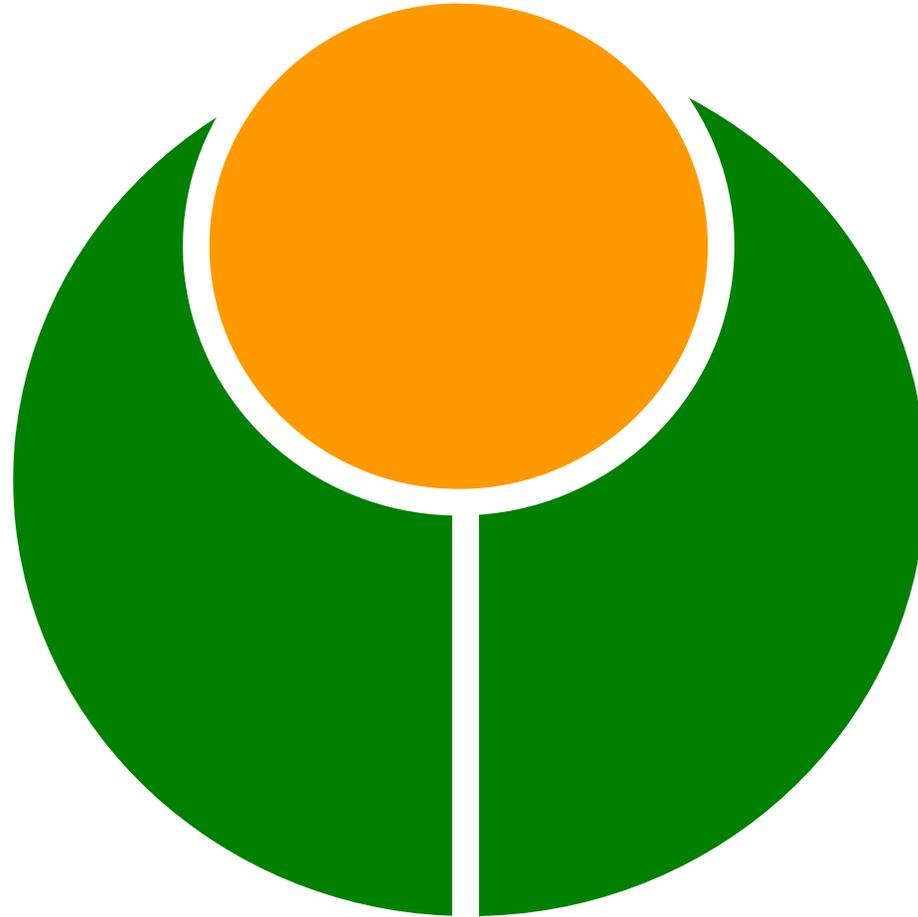


# **South Carolina Human Affairs Commission**



**Presentation to the House  
Legislative Oversight Committee**

# Declaration of Independence

- “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness...”



# 1972 SC HUMAN AFFAIRS COMMISSION



**The Times and Democrat**  
OF SOUTH CAROLINA  
PUBLISHED DAILY EXCEPT ON SUNDAYS AND HOLIDAYS  
FRIDAY, JULY 14, 1972

## All Hell Breaks Loose -- Three Killed, Many Wounded In College Nightmare

Officers Blast Rioting Negroes

More Photos On Page 10



# Legislative Mandate and Mission



## **SECTION 1-13-40**

***“There is hereby created in the executive department the South Carolina Human Affairs Commission, to encourage fair treatment for, and to eliminate and prevent discrimination against, any member of a group protected by this chapter, and to foster mutual understanding and respect among all people in this State.”***



## ***SCHAC's Mission***



To eliminate and prevent unlawful discrimination in:

***Employment*** -- on the basis of race, color, national origin, religion, sex, age and disability;

***Housing***-- on the basis of race, color, national origin, religion, sex, familial status and disability;

***Public Accommodations***-- on the basis of race, color, national origin and religion.

***and... Other Allegations*** of individual or institutional discrimination not considered unlawful (90(e) )



## *SCHAC's Vision*



*To be well known with a positive image and a mission that is understood and accepted by the public. SCHAC is a fully resourced, customer-friendly agency with a diverse, well-trained and efficient team working together effectively in a safe and supportive work environment in fulfillment of the agency's mission.*



# *SCHAC's Values*



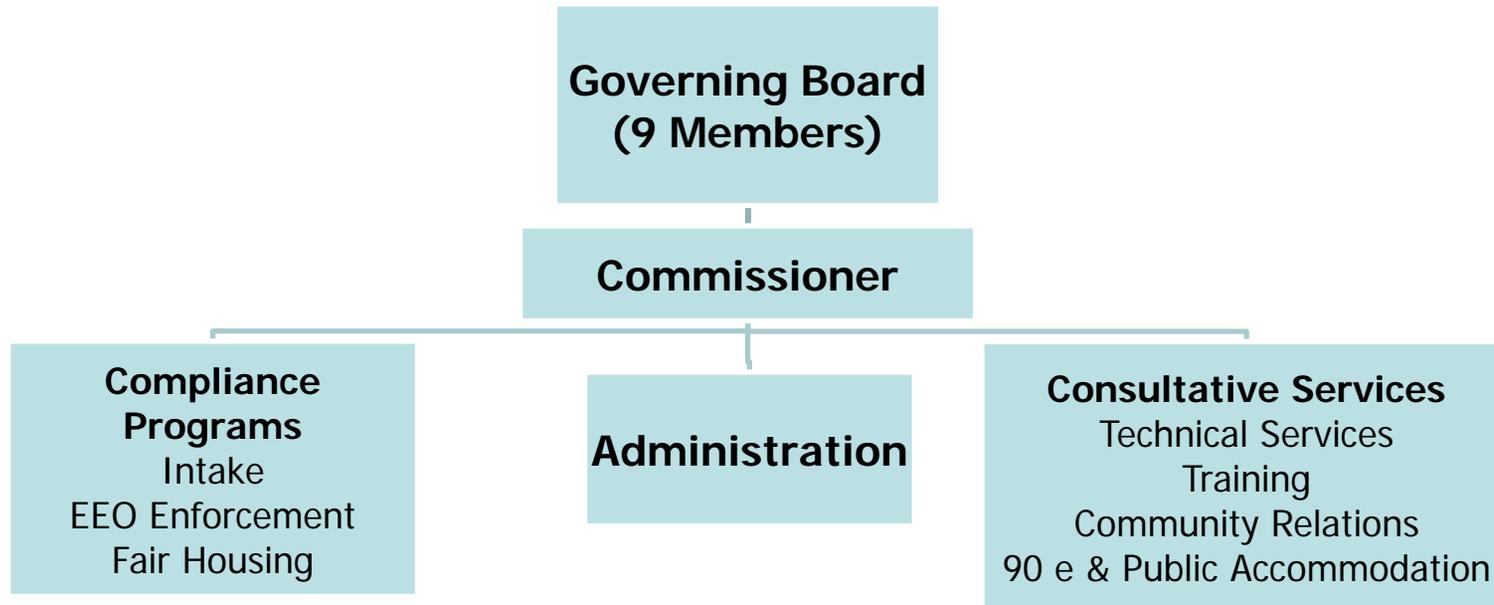
- *Accountability*
- *Customer Service*
- *Integrity*
- *Loyalty*
- *Fairness*
- *Professionalism*
- *Teamwork*



# South Carolina Human Affairs Commission



## *Organization Structure Overview*





# Laws Enforced by the Human Affairs Commission



- South Carolina Human Affairs Law
- South Carolina Fair Housing Law
- South Carolina Equal Enjoyment and Privileges to Public Accommodations
- Federal Laws Prohibiting Discrimination



# Federal Laws Enforced by The Human Affairs Commission

- Equal Employment Opportunity  
Commission (EEOC)

*Employment Discrimination*

- US Department of Housing and  
Urban Development (HUD)

*Housing Discrimination*



# EEOC LAWS ENFORCED



## **Title VII of the 1964 Civil Rights Act**

Bans discrimination in employment because of race, color, religion, sex, or national origin.

## **Age Discrimination in Employment Act (ADEA)**

Makes unlawful employment discrimination because of age against anyone 40 years of age and older.

## **Pregnancy Discrimination Act**

Amends Title VII and states that employment discrimination is prohibited when based on pregnancy, childbirth, and related medical conditions.

## **The Americans with Disabilities Act (ADA)**

Prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.



# HUD LAWS ENFORCED



- **Title VIII of the Civil Rights Act**

Prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

- **The American with Disability Act (ADA)**

Prohibits discrimination against persons with disabilities including private housing, housing that receives federal financial assistance, and state and local government housing.

- **Section 504 of the Rehabilitation Act of 1973**

Prohibits discrimination based on disability in any program or activity receiving federal financial assistance.



# Authority of the Commission



- Contract with EEOC & HUD to investigate complaints
- Seek injunctive relief for a pending complaint
- Issue subpoenas to parties in an investigation
- Hold administrative hearings to adjudicate 'cause' cases, awarding damages and assessing penalties
- Litigate cases in court following completion of a 'cause' investigation
- Conciliate or mediate complaints
- Promulgate Regulations

# South Carolina Human Affairs Commission Organizational Chart FY 2015-2016



**Board of Commissioners**  
**John A. Oakland, Chair**  
 Harold Jean Brown  
 Ashley P. Case  
 Joe Fragale    Cheryl F. C. Ludlam    Rev. Willie A. Thompson  
 A C Williams

**Intake Dept.**  
 Henley Ellis  
**Senior Consultant**

**Investigators**  
 Angela D. Adams  
 Cynthia Cooke  
 Cherry Dow

**Admin. Specialist**  
 Davon Reaves  
**Intake Receptionist**  
 Venisha Webber

**Betty Dennis**  
 Executive Assistant

**Vicki Miller**  
 EEO Admin. Coordinator

**Commissioner**  
**Raymond Buxton, II**

**Deputy Commissioner**  
**Dan Koon**

**Fair Housing Department**  
 Marvin Caldwell  
 Div. Director

**Investigators** Don Frierson  
 Deloris Jenkins  
 Luis Mendoza  
 Deborah Thomas

**Admin Specialist**  
 Tamiko Johnson

**Administration Division**  
 Administrative Manager (Vacate)

**Marcus Sumter**  
 Fiscal Tech II

**Technical Services Dept.**  
 Stephanie Price EEO Senior Consultant

EEO/Training Consultant  
 Erin Wilson EEO/Training Consultant  
 Sheila Gibbs

**Legal Department**  
**Lee Ann Rice**  
**Staff Counsel**

Alex Pate  
 Attorney II

Emma Bennett-Williams  
 Attorney II

**EEO Enforcement Department**  
 Sharon Dorn, Senior Consultant  
 Dave Smith, Senior Consultant/IT Manager

**Dave Smith**  
**EEO Enforcement Dept I**

**Investigators**  
 Brian Alston  
 Melanie Goff  
 Veronica Gonzalez  
 Lauren Mims  
 Nikki Owens  
 Taylor Rhodes  
 Abigail Sexton  
 LaTarnya Whitmire

**Sharon Dorn**  
**EEO Enforcement Dept II**

**Investigators**  
 Andrew Blankenship  
 Rosemary Drake  
 Timmie Gibson  
 Reginald Green  
 Shelton Lorick  
 Alex Nelson  
 Sherrial Styles

**Community Relations Dept.**  
 Sandra Ligon  
 Senior Consultant

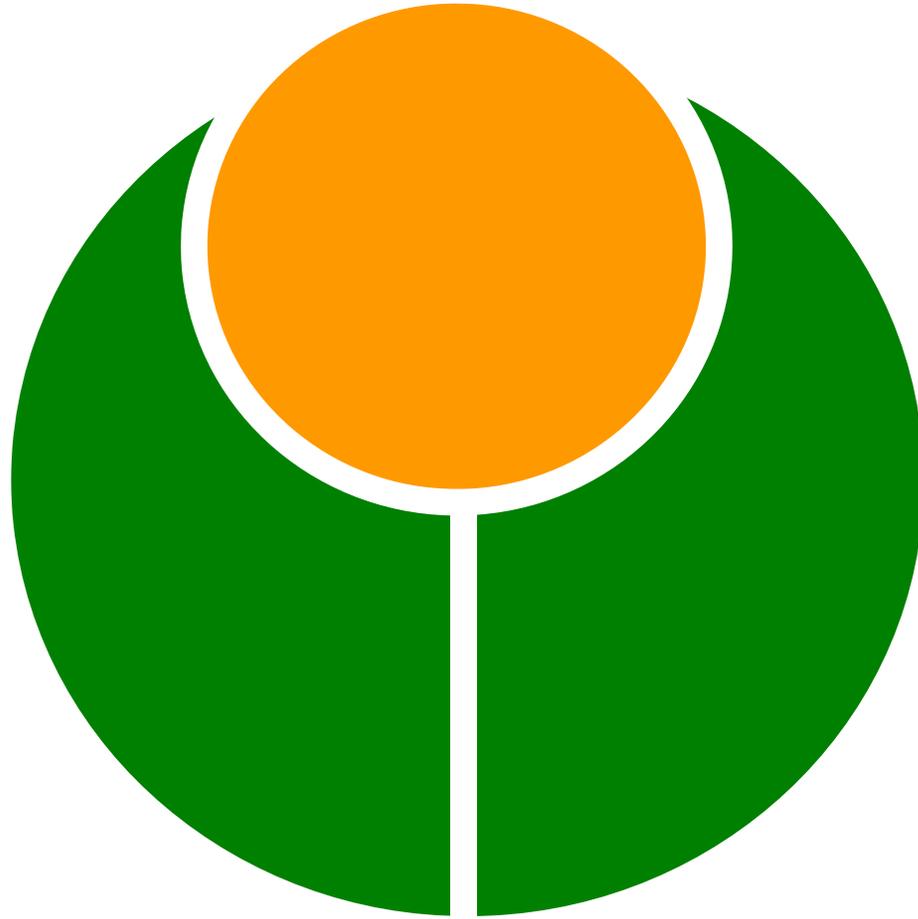
Anita Dantzler  
 Consultant

**Tracie Mefford**  
 Admin. Specialist

**Mediation**  
 Larry McBride \*  
 Chief Mediator

\* Temp/Fill-in Fund Source

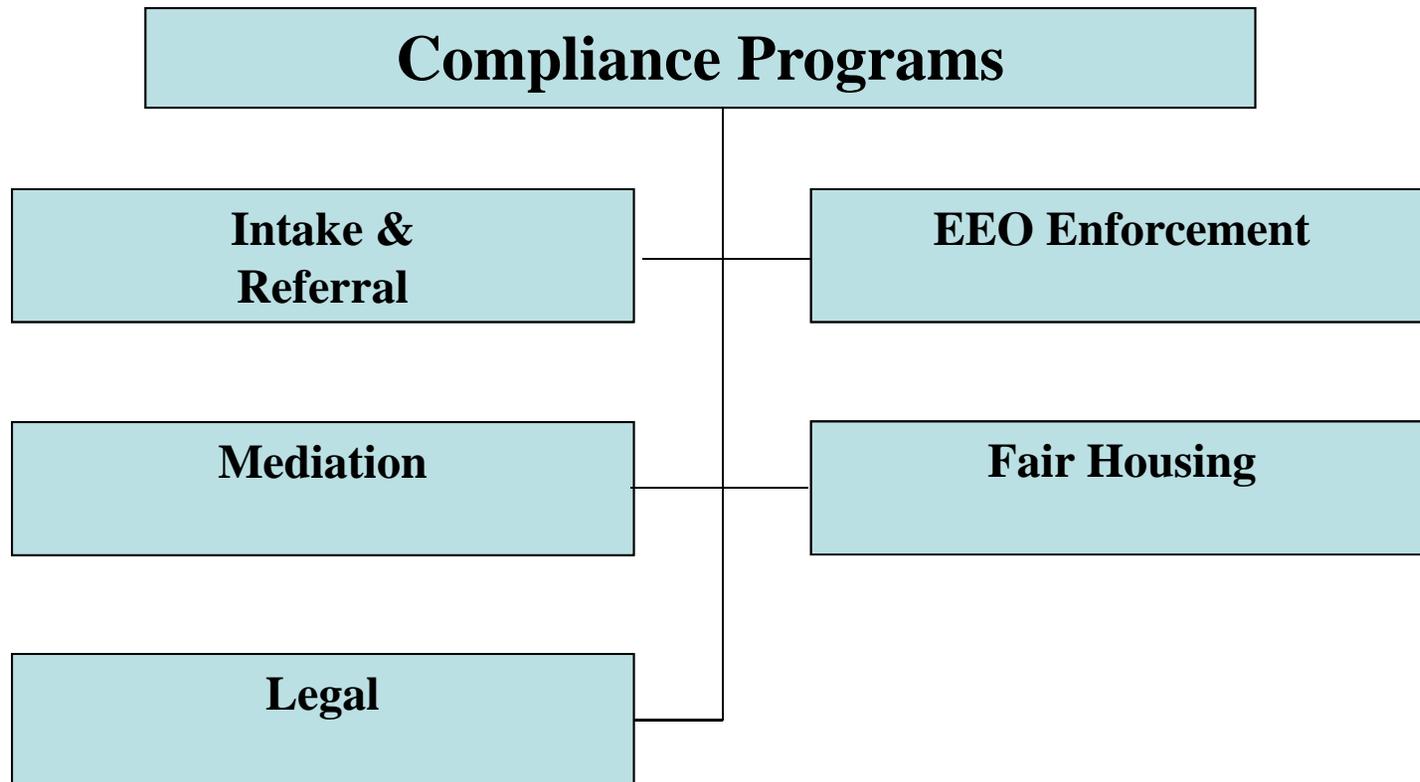
Latest Revision June 19, 2017

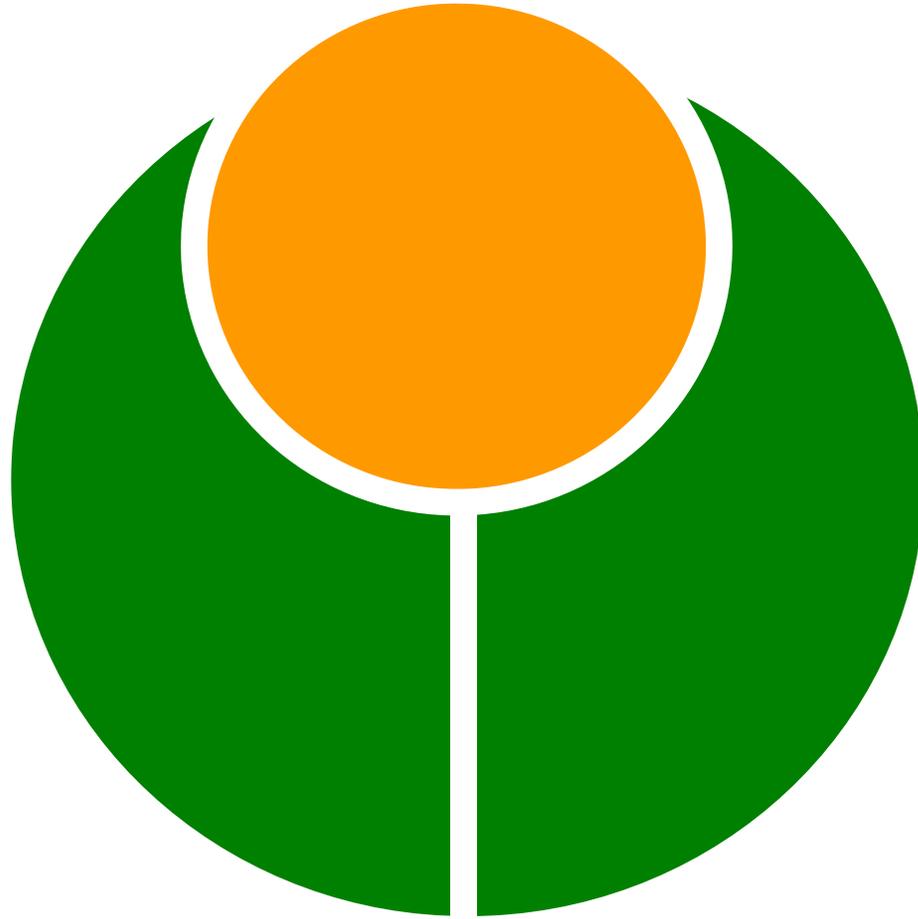


**COMPLIANCE PROGRAMS**



## Organizational Overview: Compliance Programs





**INTAKE**



# Receiving Citizens' Complaints of Discrimination (Intake)



Complaints received regarding...

- Employment
- Housing
- Public Accommodations, and,
- Other individual and institutional allegations of discrimination (90(e))

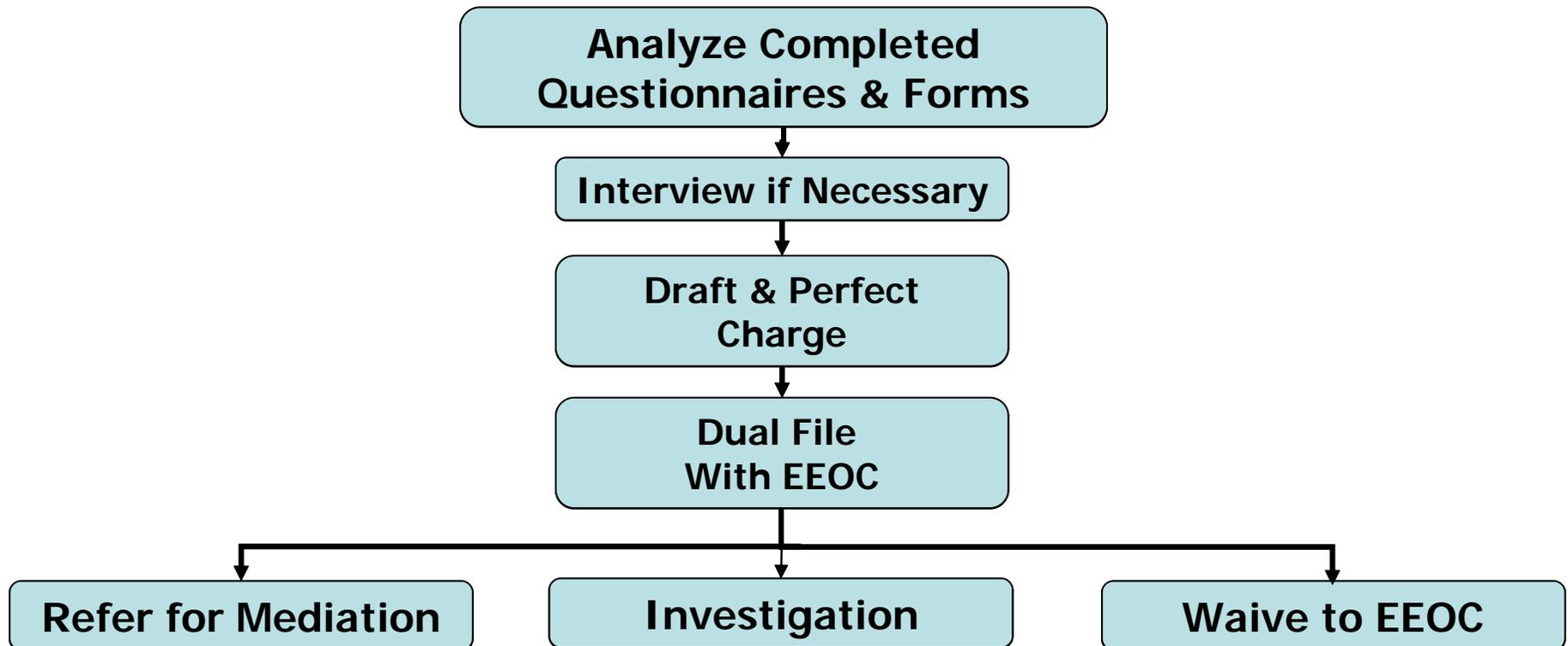


# South Carolina Human Affairs Commission



## Discrimination Complaint Intake Process

(Analysis of Accepted Complaint)





Jurisdictional information

Complainant contact information

Respondent Information

Basis of Complaint and date occurred

Issue prompting Complaint

Respondent's apparent reason for adverse action

Complainant's allegations

Complainant's declaration of discrimination and laws violated

Complainant Certifications; sworn statement, notarization and signature

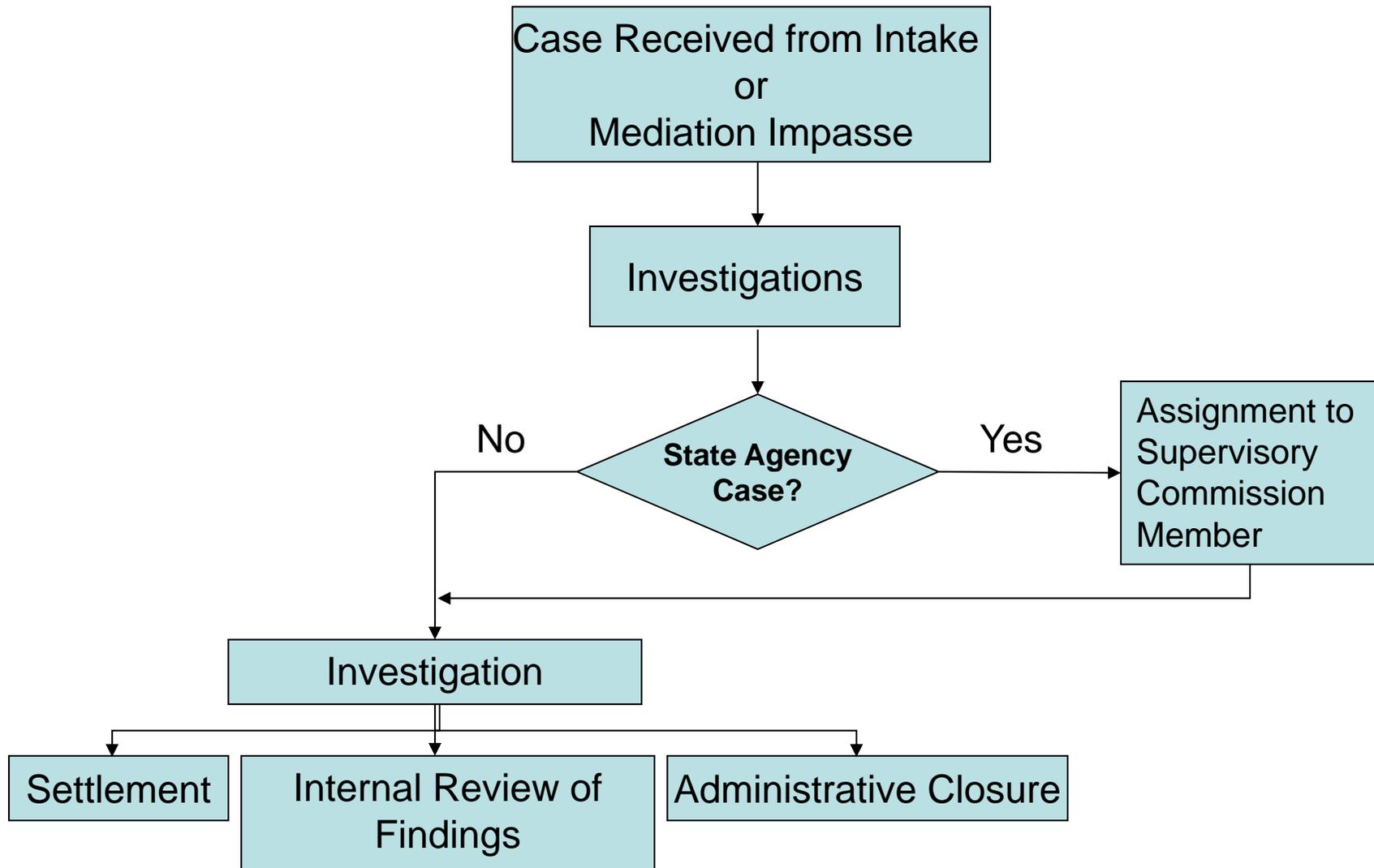
CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		<input checked="" type="checkbox"/> FEPA <input type="checkbox"/> EEOC	
S. C. Human Affairs Commission <i>State or local Agency, if any</i>		and EEOC	
NAME (Indicate Mr., Ms., Mrs.) Ms. Jane Doe		HOME TELEPHONE (Include Area Code) (803) 737-7800	
STREET ADDRESS 2611 Forest Drive, Columbia, SC 29204		DATE OF BIRTH 10/10/1931	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME L & J Cafeteria		TELEPHONE (Include Area Code) (803) 333-3333	
STREET ADDRESS 2611 Forest Drive, Columbia, SC 29204		COUNTY 079	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> OTHER (Specify) Fepa		EARLIEST LATEST 08/31/2004	
		<input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
I. PERSONAL HARM: Through August 31, 2004 and continuing, I have been denied equal wages.			
II. RESPONDENT'S REASON(S) FOR ADVERSE ACTION(S): The Respondent has given no reason for the denial of equal wages.			
III. COMPLAINANT'S CONTENTION(S): I am employed with the Respondent as a Cook. I contend that I am being paid less than similarly-situated male employees even though we perform the same duties.			
IV. DISCRIMINATION STATEMENT: I, therefore, believe that I have been discriminated against because of my sex (female) in violation of the South Carolina Human Affairs Law, as amended, and Title VII of the United States Civil Rights Act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date _____ Charging Party (Signature) _____		SIGNATURE OF COMPLAINANT _____	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)	

Matters subject to investigation to determine if laws were violated



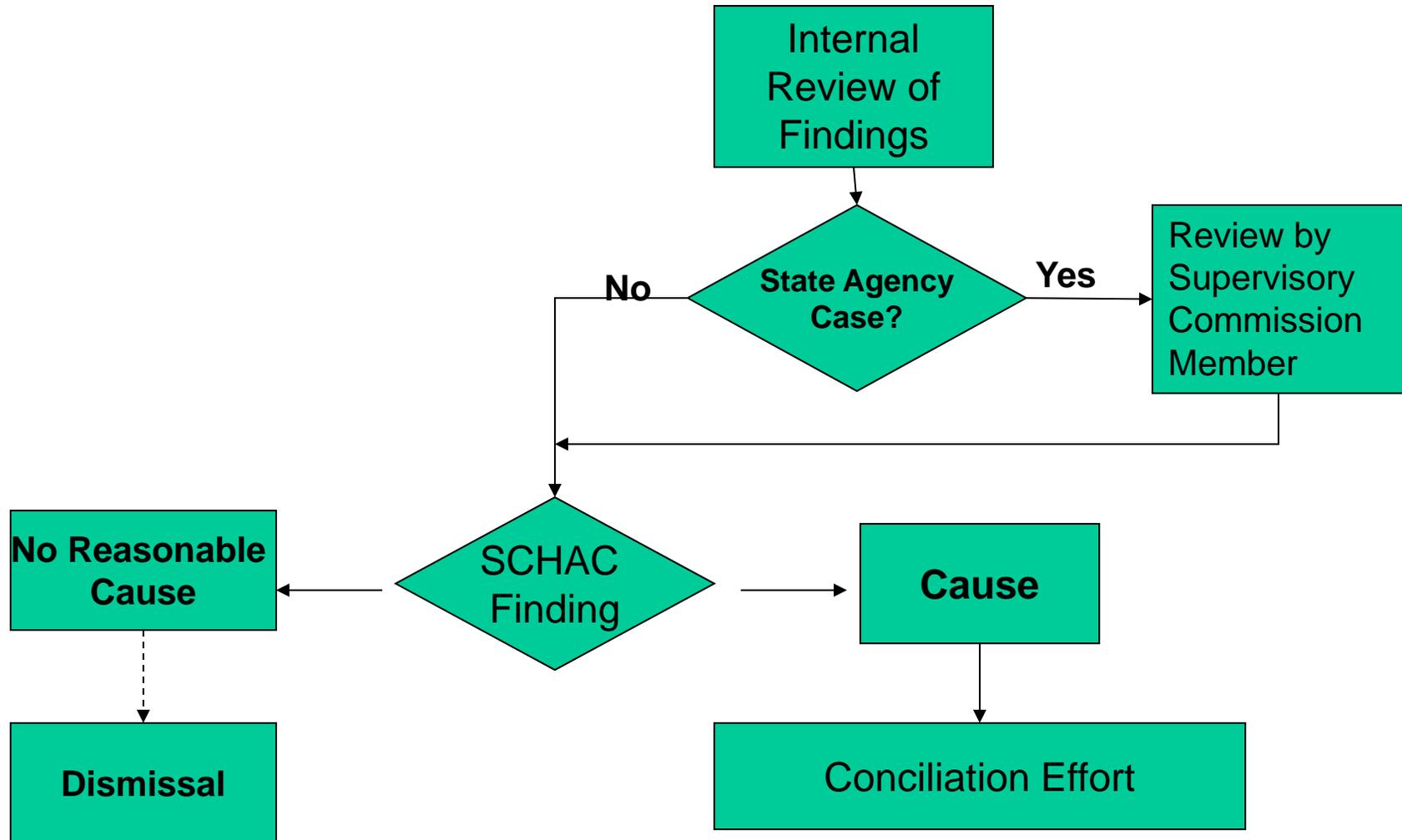
# The Investigative Process

*Tracking a case from filing to final agency action*





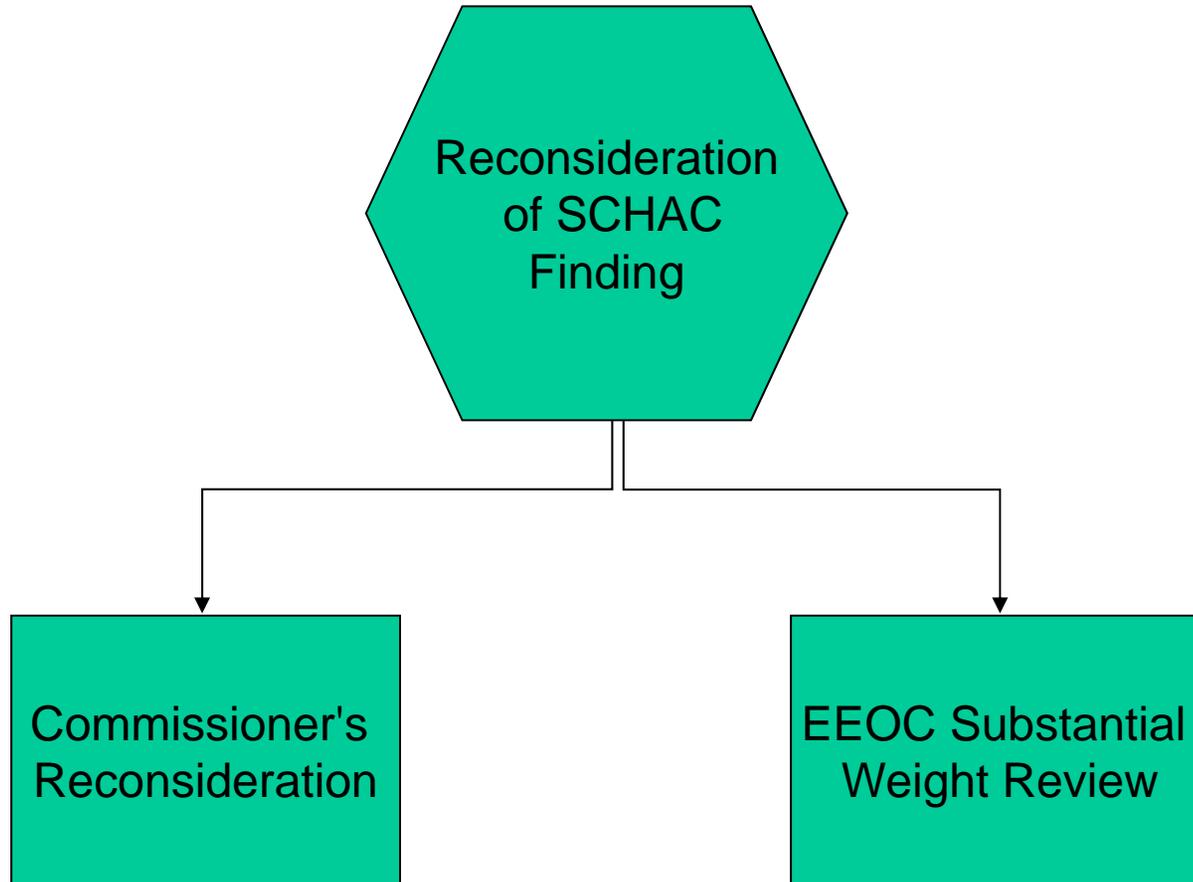
# Investigation Is Concluded





# No Reasonable Cause Finding

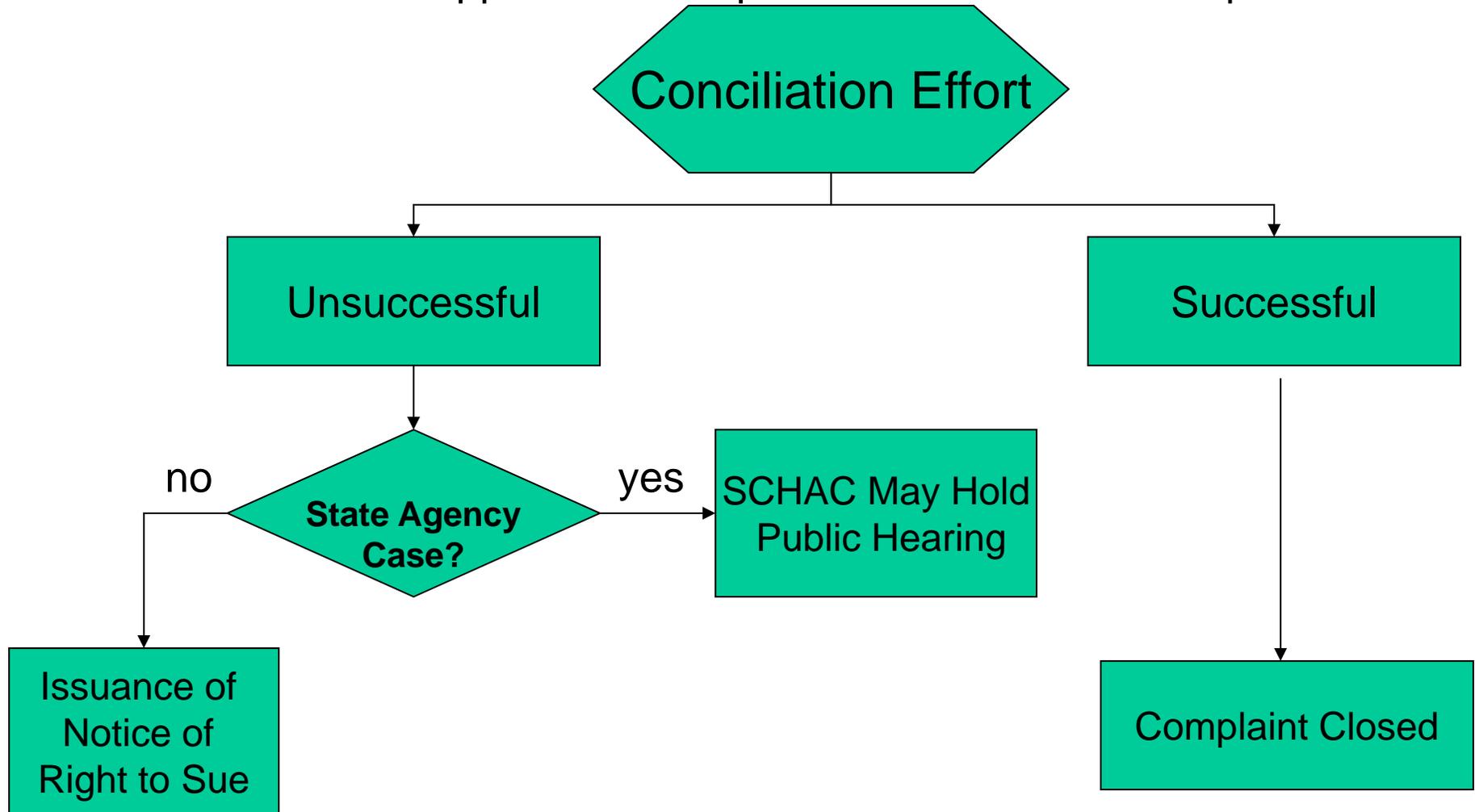
Reconsideration Rights of Parties





# Reasonable Cause Finding

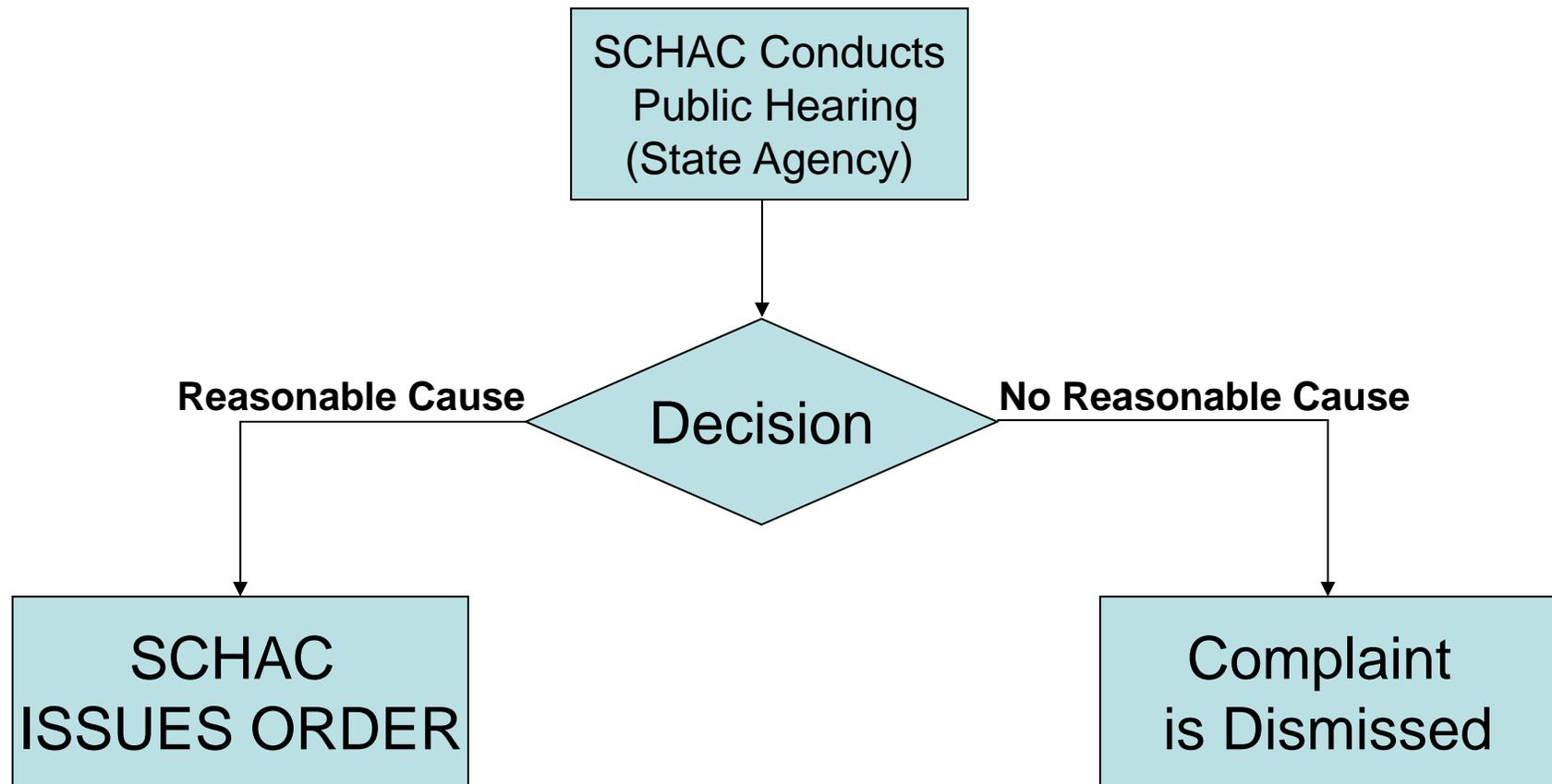
Discrimination apparent: Attempts made to reconcile the parties

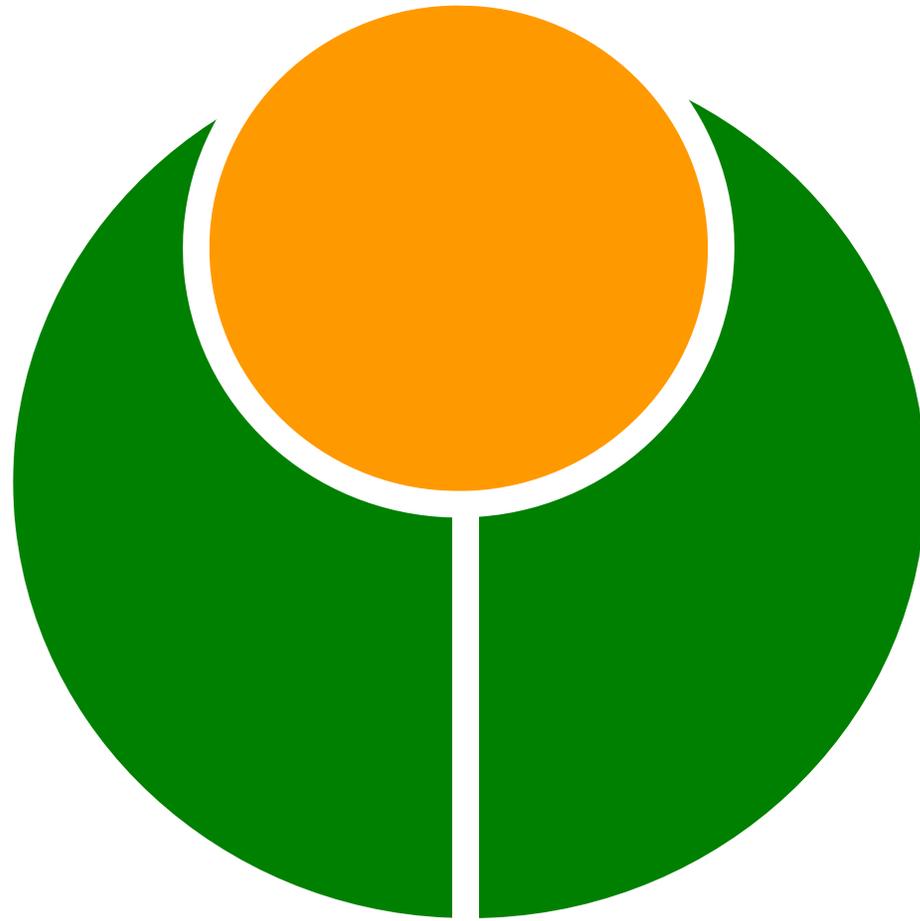




The Investigative Process (Con't)

# SCHAC Public Hearing





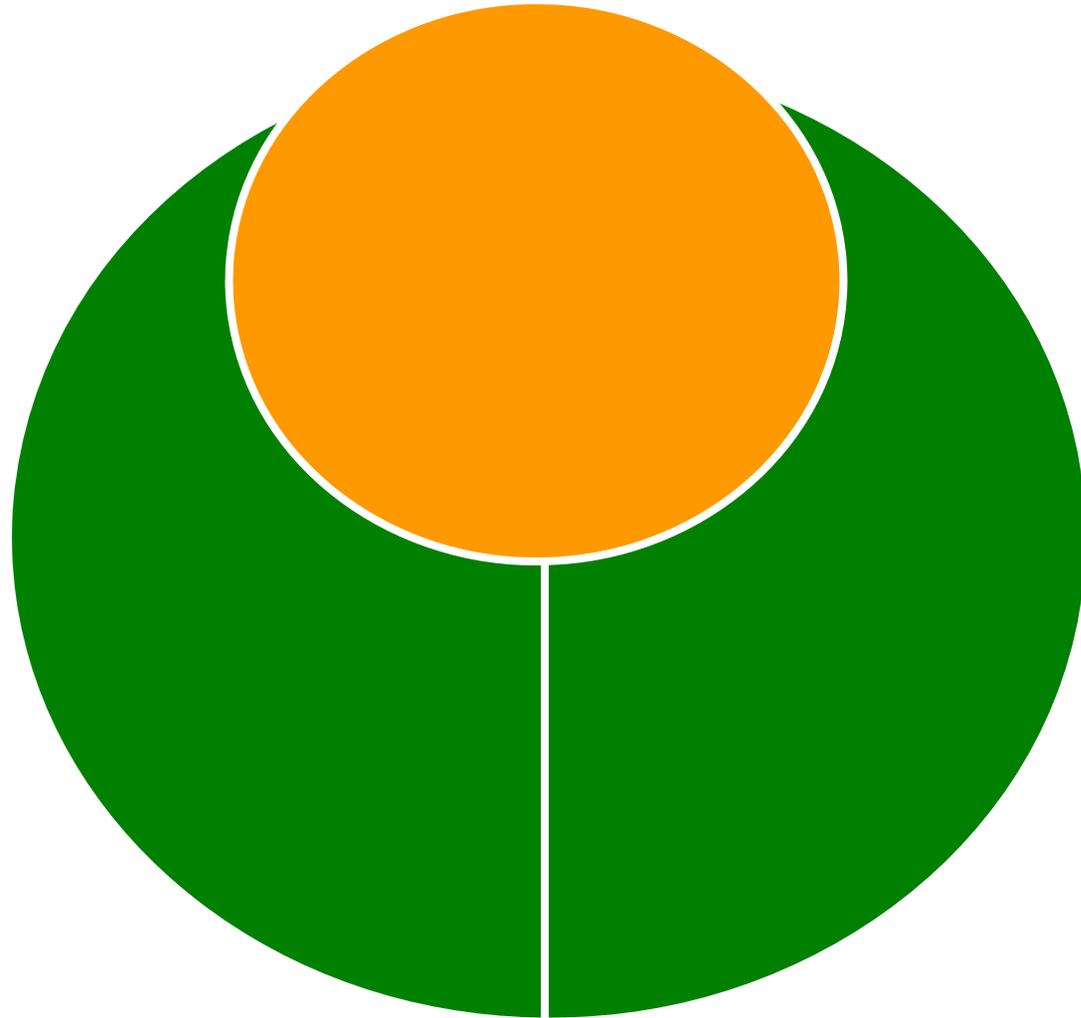
**MEDIATION**



# Benefits to Mediation



- A notice of Right to Sue is not issued
- The case does not go to court
- Saves time
- Saves money
- Resolves a complaint so that all parties are content
- Discussion can result in solving other problems and issues



**EEO Enforcement**



# State Human Affairs Law



Prohibits Employment

Discrimination Based On:

**RACE**

**COLOR**

**RELIGION**

**NATIONAL ORIGIN**

**SEX**

**AGE**

**DISABILITY**



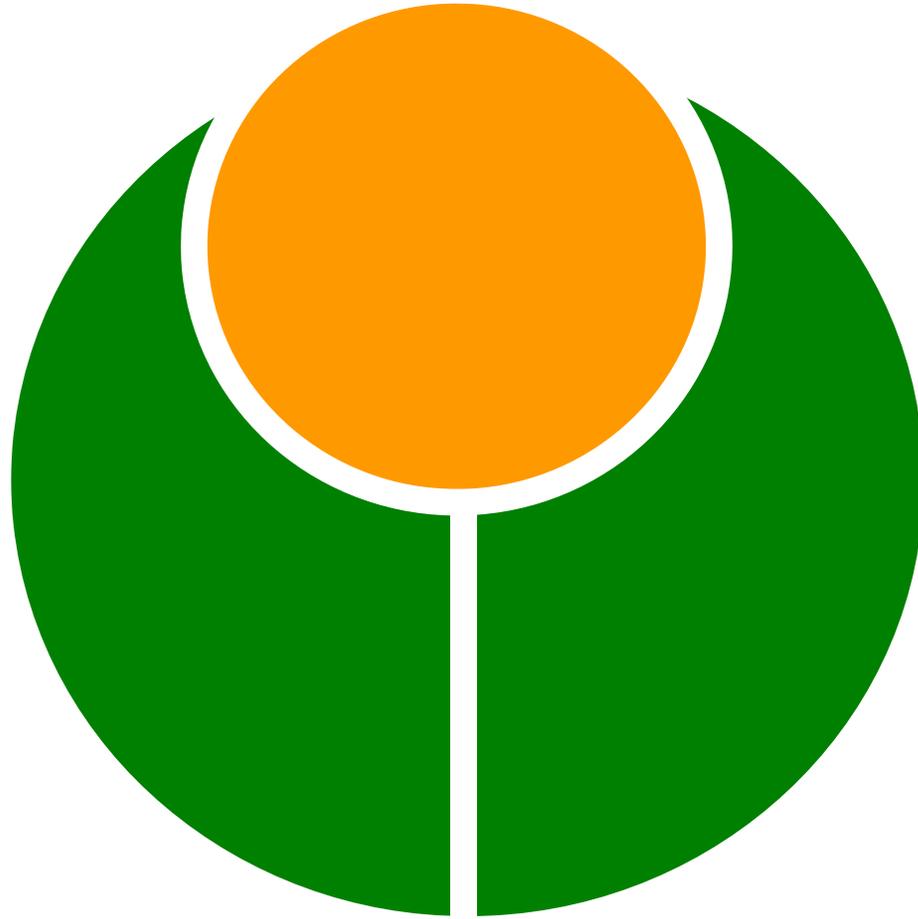
# SCHAC AND EEOC TIPS TO KEEP IN MIND



- South Carolina is divided between EEOC Districts:
- Atlanta District Office – Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Jasper, Williamsburg
- Charlotte District Office – the other 34 counties



OCONEE  
PICKENS  
GREENVILLE  
SPARTANBURG  
CHEROKEE  
YORK  
UNION  
CHESTER  
LANCASTER  
CHESTERFIELD  
MARLBORO  
ANDERSON  
LAURENS  
FAIRFIELD  
KERSHAW  
DARLINGTON  
DILLON  
ABBEVILLE  
GREENWOOD  
NEWBERRY  
LEE  
FLORENCE  
MARION  
McCORMICK  
SALUDA  
LEXINGTON  
RICHLAND  
SUMTER  
HORRY  
EDGEFIELD  
Aiken  
ORANGEBURG  
CLARENDON  
WILLIAMS BURG  
GEORGE TOWN  
BARNWELL  
BAMBERG  
DORCHESTER  
BERKELEY  
ALLEN DALE  
COLLETON  
HAMPTON  
CHARLESTON  
JASPER  
BEAUFORT



**HOUSING**



## SCHAC is a FHAP Agency



- FHAP is a Fair Housing Assistance Program.
- The South Carolina Fair Housing Law was enacted in 1989 and gave the Commission jurisdiction to investigate all fair housing complaints in the State. HUD recognized SHAC as substantially equivalent state agency in 1995.
- HUD provides FHAP funding annually on a noncompetitive basis to State and local agencies that enforce fair housing laws that are substantially equivalent to the Fair Housing Act.



# SCHAC and FHIP Agencies



- FHIP is a Fair Housing Initiatives Program.
- FHIP organizations assist people who believe they have been victims of housing discrimination.
- FHIP organizations partner with HUD to help people identify government agencies that handle complaints of housing discrimination.
- There are a number of FHIP agencies throughout SC that forward complaints to SCHAC for investigations.



# Housing Discrimination Basis



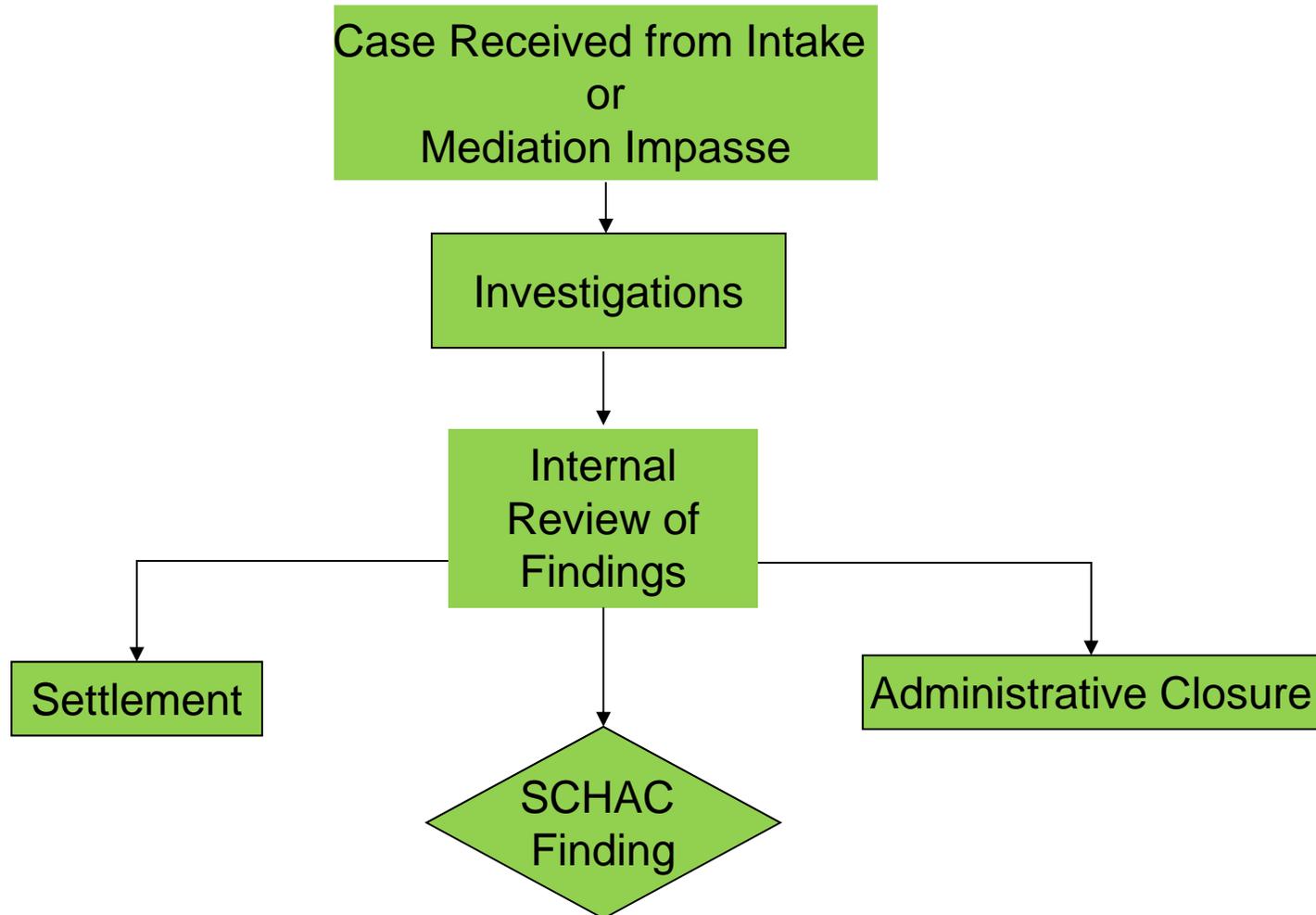
- Race
- Color
- Religion
- Sex
- National Origin
- Mental or Physical Handicap (Disability)
- Familial Status (families with children)



# The Investigative Process



*Tracking a case from filing to final agency action*

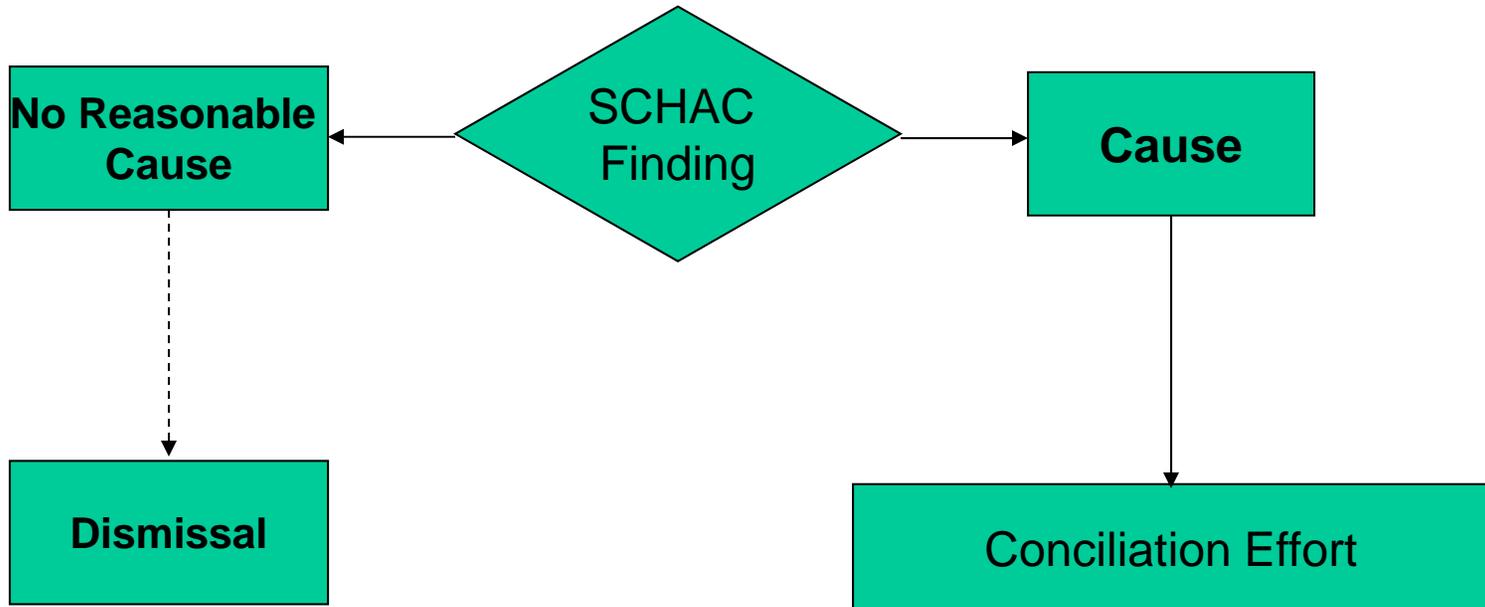




The Investigative Process (Con't)



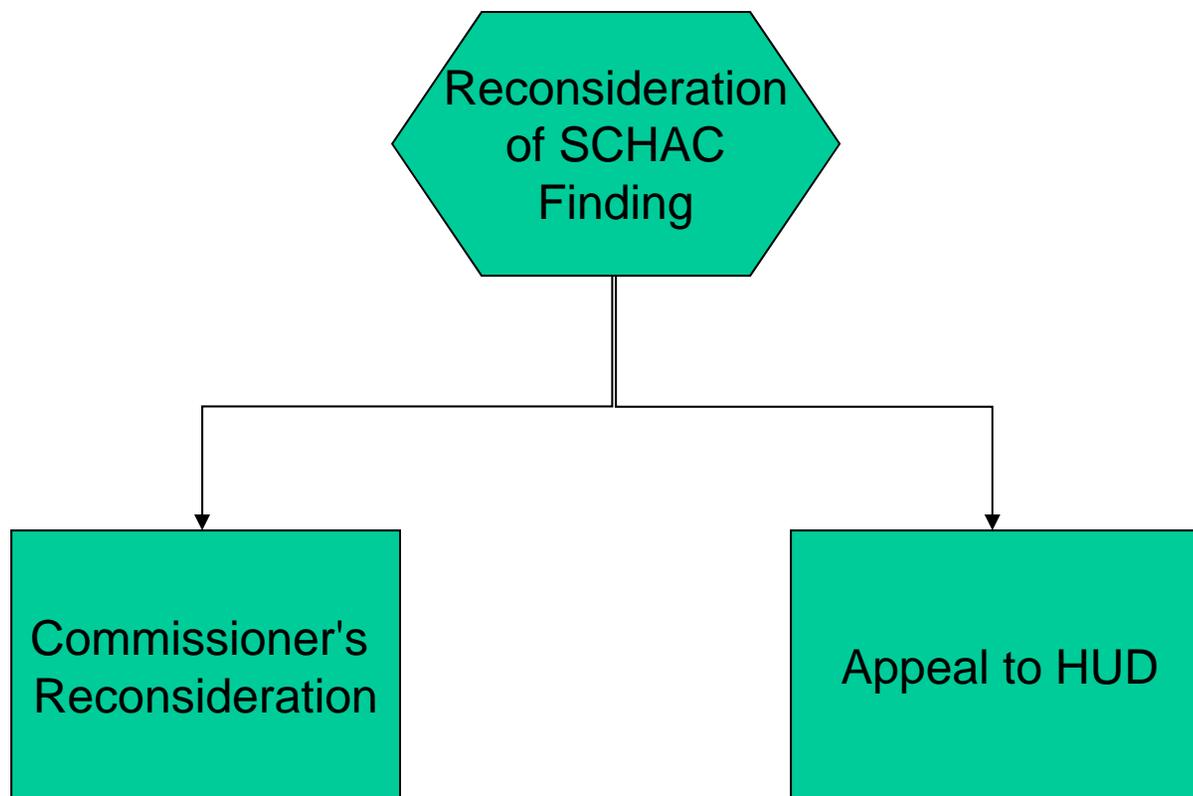
# Agency Finding





# No Reasonable Cause Finding

## Reconsideration Rights of Parties

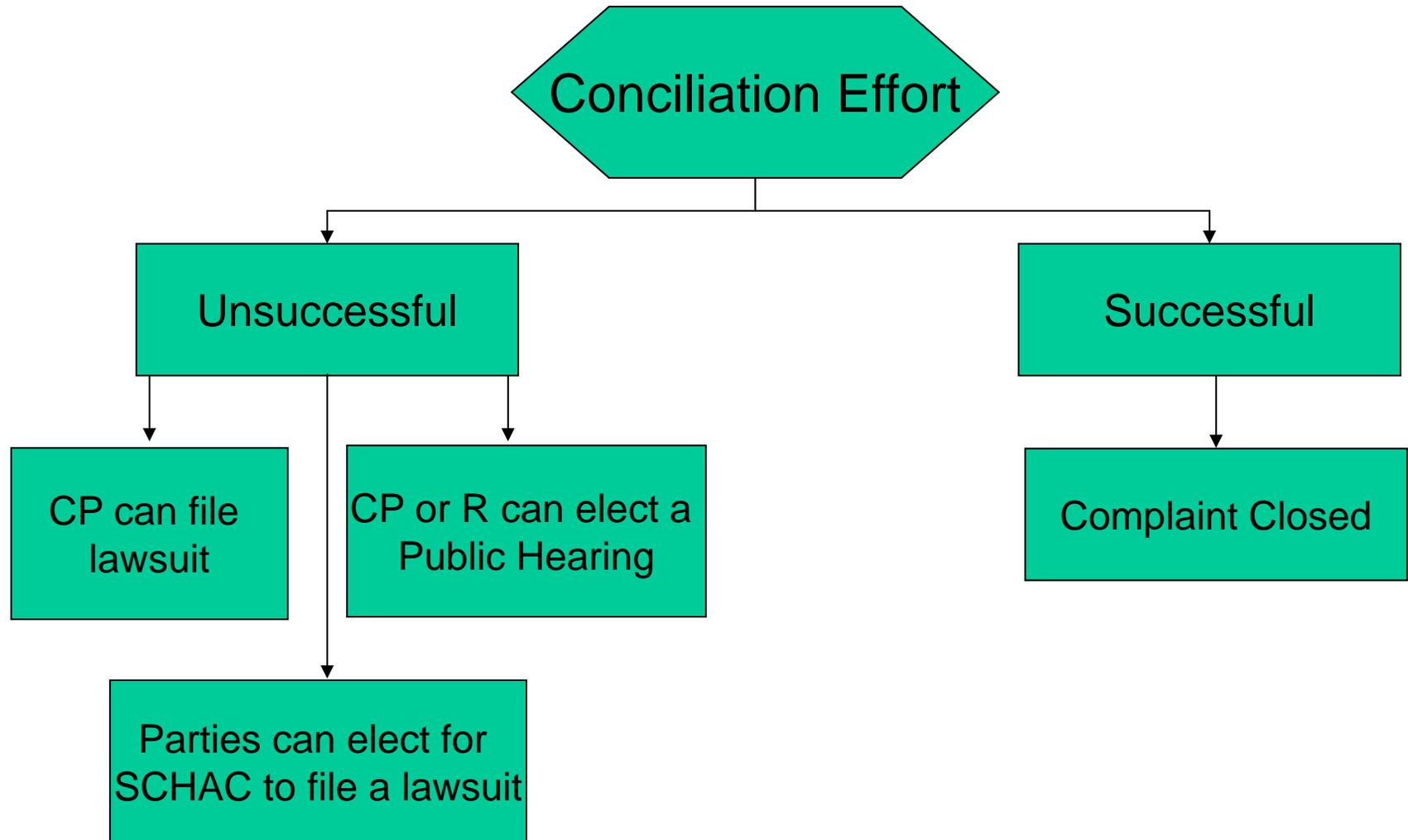




The Investigative Process (Con't)

# Reasonable Cause Finding

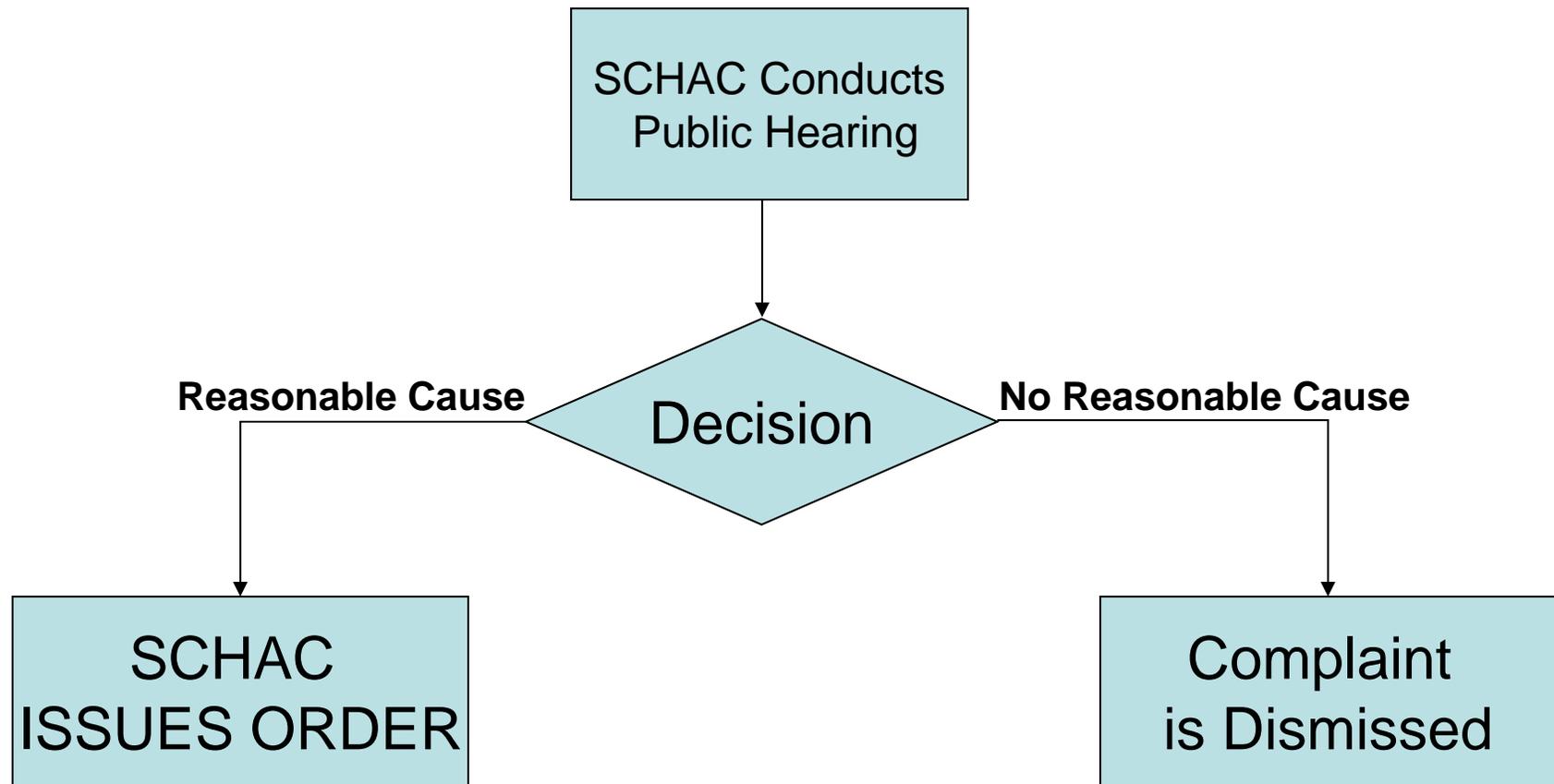
Discrimination apparent: Attempts made to reconcile the parties

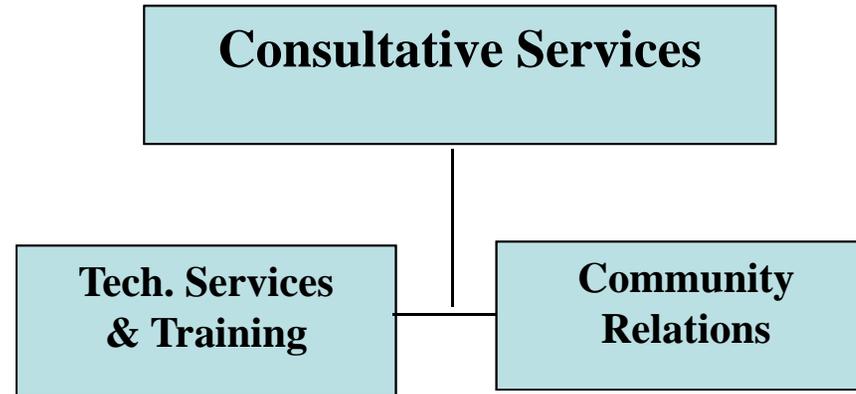




The Investigative Process (Con't)

# SCHAC Public Hearing





**Consultative Services** provides technical assistance to state agencies and organizations in developing programs to promote the agency's legislative mandate as well as monitoring and diffusing ethnic / race relationship strife wherever it may occur in the state of South Carolina.



*(Prevention and Intervention)*



# Development of State Agency Affirmative Action Plans



- Review the Workforce Composition of State Agencies based on data describing employment trends by race and sex during the year
- Assist State Agencies in identifying areas in their workforce where race and sex groups are disproportionate (**Underutilization**)
- Assist State Agencies (*and other organizations who request services*) to identify action steps to reach goals designed to eliminate underutilization (**Affirmative Action Plan**)

File Home Insert Page Layout Formulas Data Review View Acrobat

Clipboard: Cut, Copy, Paste, Format Painter

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Alignment: Wrap Text, Merge & Center

Number: General, Currency, Percentage, Decimals

Styles: Normal, Bad, Good, Neutral, Calculation, Check Cell, Explanatory, Input

Cells: Insert, Delete, Format, AutoSum, Fill, Clear, Sort & Filter, Find & Select

Editing: Undo, Redo, Copy, Paste

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA
1	State	Group	Agency	EEO CODE	County	JobTitle	Race	Gender	EmployeeID	County	Salarycod	Position	JobGroup	Name	Summary	Departme	Census	Location	ZipCode	Salary	EEO4Func	EEOCateg	Disabled	Veterans	VetVietna	VetProtec	VetDisabled
2	1	3	SCS	E6	40	AA25ADMINIST	B	F	112233445	40	2	123456	E6	KITT EARTHA	1	SCS32	5020	SCS40	29201	18000	1	A	Y	Y	N	Y	N
3	1	3	SCS	E6	40	AA50ADMINIST	W	M	112233447	40	3	123458	E6	JOHNS JASPER	1	SCS22	5940	SCS40	29201	24000	2	B	N	Y	N	Y	N
4	1	3	SCS	E6	40	AA50ADMINIST	A	F	112233448	40	3	123459	E6	WHITE VANNA	1	SCS22	5940	SCS40	29201	25500	3	C	U	Y	N	Y	N
5	1	3	SCS	E6	40	AA50ADMINIST	W	F	112233449	40	3	123460	E6	GIBBSON ALTHE	1	SCS22	5940	SCS40	29201	26000	4	D	Y	N	N	Y	N
6	1	3	SCS	E5	40	AA75ADMINIST	W	F	112233451	40	4	123462	E5	GIBBONS LEEZA	1	SCS10	5700	SCS40	29201	30000	5	E	N	N	N	Y	N
7	1	3	SCS	E2	40	AD22ACCOUNT	W	F	112233452	40	5	123463	E2A	SANDERS DORI	1	SCS21	0800	SCS40	29201	35000	6	F	Y	N	N	Y	N
8	1	3	SCS	E2	40	AH15ADMINIST	W	F	112233454	40	6	123465	E2B	BETHUNE MARY	1	SCS21	0630	SCS40	29201	40000	7	G	N	U	N	Y	N
9	1	3	SCS	E1	40	AH20ADMINIST	W	M	112233455	40	7	123466	E1	MCNAIR RONAL	1	SCS21	0120	SCS40	29201	65000	8	H	U	U	N	Y	N
10	1	3	SCS	E2	40	AH30PROGRAM	W	M	112233456	40	4	123467	E2A	BOLDEN CHARLI	1	SCS21	5940	SCS40	29201	26420	9	A	U	U	N	Y	N
11	1	3	SCS	E2	40	AH30PROGRAM	W	F	112233458	40	4	123469	E2A	TRAVIS WILLIAM	1	SCS31	5860	SCS40	29201	27000	10	B	U	U	N	N	N
12	1	3	SCS	E2	40	AH30PROGRAM	W	M	112233459	40	4	123470	E2B	DUKE CHARLES I	1	SCS21	5940	SCS40	29201	28000	11	C	N	U	N	N	N
13	1	3	SCS	E2	40	AH40PROGRAM	W	M	112233460	40	6	123471	E2B	ENGLISH ALEC	1	SCS31	0430	SCS40	29201	52000	12	D	N	N	Y	N	N
14	1	3	SCS	E5	40	AH40PROGRAM	W	M	112233461	40	6	123472	E5	GILLESPIE DIZZY	1	SCS31	3955	SCS40	29201	48000	13	F	Y	N	Y	N	N
15	1	3	SCS	E1	40	AH50PROGAM	W	M	112233462	40	8	123473	E1	CHECKER CHUBE	1	SCS50	1300	SCS40	29201	75000	14	G	Y	Y	Y	Y	N
16	1	3	SCS	E3	40	AJ4INFO RESOU	W	F	112233463	40	5	123474	E3	FRAZIER SMOKI	1	SCS45	5400	SCS40	29201	49000	15	B	Y	Y	Y	Y	N
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# Annual Report to the South Carolina General Assembly



## “The Status of Equal Employment Opportunity in South Carolina State Government”

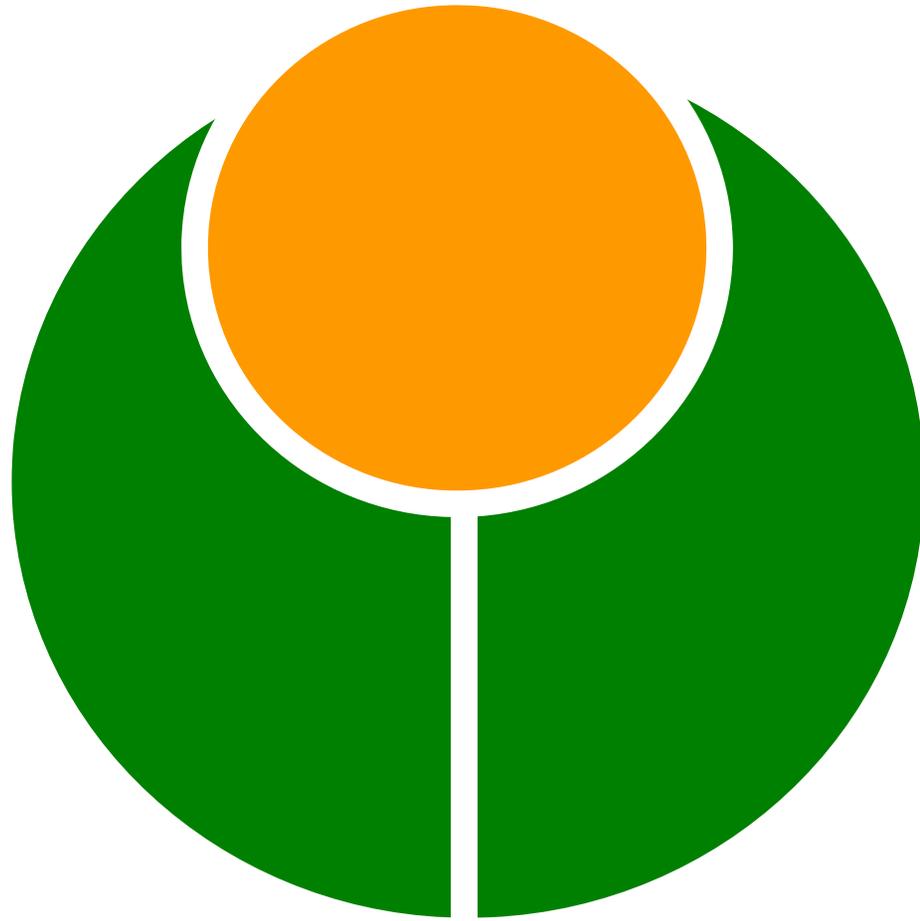
### ***South Carolina Code of Laws SECTION 1-13-110.***

“Each State agency shall develop an Affirmative Action Plan to assure equitable employment for members of minorities (race and sex) and shall present such Plans to the Human Affairs Commission. On or before February 1 of each year, the Human Affairs Commission shall submit a report to the General Assembly concerning the status of the Affirmative Action Plans of all State agencies. If any Affirmative Action Plans have been disapproved, the report shall contain the reasons for such disapproval. If the General Assembly takes no action within sixty (60) days on those Plans which have been disapproved, the action of the Human Affairs Commission shall be final.”



# SCHAC Training

- Equal Employment Opportunity
- Sexual Harassment
- Diversity
- Fair Housing
- Affirmative Action



**Community Relations**



## ***What is Community Relations?***

***“Community Relations” is the fostering of better relationships within a community through organized efforts to bring together cross-sections of people to resolve mutual issues which include, but are not limited to, law enforcement, education, business practices, government, and public accommodations.***



# Community Relations Councils

- Established throughout the state at local community levels to resolve problems locally
- Mission of Human Affairs Commission is to work through these councils to carry out its mandate to improve relationships among the citizens of South Carolina
- Counties considered geographical boundaries for operation of local councils





There still remains the unfinished goals of the civil rights movement and the civil rights movement is a critical part of the American movement and the American story. It's a movement in which every person, regardless of their skin color is treated equally under the law.

*-Former SC Governor Nikki Haley  
speech at the National Press Club*