



CONNECT

COMMUNITY AND RACE RELATIONS GUIDE



To encourage and promote harmony and civility; to foster goodwill, mutual understanding, and respect for all the people of South Carolina.



**South Carolina
Human Affairs
Commission**



South Carolina Human Affairs Commission

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Columbia, South Carolina 29201
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Website: www.schac.sc.gov

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*At the time of this publication, seats for the Second, Third, Fourth and Sixth Congressional Districts are vacant. If you would like to be considered for a seat, please contact the Office of the Governor.

Mission Statement

Our mission is to prevent and eliminate unlawful discrimination, thereby promoting harmony and the betterment of human affairs for all citizens.

Vision

Our vision is to be well known statewide and nationally, with a positive image and mission that is understood and respected by all people.



Greetings,

Welcome to our 2020 **Community and Race Relations Guide**. This guide was created to assist South Carolinians address problems in race relations and human affairs across the State.

Racial unrest is not new to South Carolina. It was these matters that led Governor John C. West and members of the South Carolina General Assembly in 1972, to pass the South Carolina Human Affairs Law (SCHAL). That law created the South Carolina Human Affairs Commission (SCHAC), a state agency whose mission continues to be **“to prevent and eliminate”** unlawful discrimination. It is this agency’s responsibility to help level the playing field and seek to maintain peace and mutual respect for all people through dialogue and good will.

Over the past 48 years since the creation of the Commission, South Carolina because of tremendous economic growth and goodwill, has made strides in race relations and community harmony. People have learned to live and work together. However, despite the progress made, South Carolina can never take this success for granted. Every day South Carolinians must diligently strive to improve race relations by standing against all forms of racism. As stated in Section 1-13-70 of the South Carolina Human Affairs Law, the State must do its due diligence “to promote goodwill and the betterment of human affairs.”

To that end, the SCHAL provides for the creation of Community Relation Councils empowered by the Commission, to study problems in human affairs and seek to resolve these issues in non-violent ways. This guide provides information regarding how these councils are created, empowered, and used to facilitate dialogue, when people have differing opinions regarding issue of race relations and human affairs.

If you would like to establish a Community Relation Council in your city, county, or community, please call the Commission at 1-800-521-0725. You may also share your opinion and recommendations regarding how to improve race relations and human affairs in South Carolina at: information@schac.sc.gov. We want to hear from you!

Sincerely,

A handwritten signature in cursive script that reads "Janie A. Davis".

Janie A. Davis
Commissioner/CAO

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COVID-19 Disclaimer

All meetings and activities held in accordance with the guidelines outlined in this document should be done in compliance with both the recommendations of the Center for Disease Control (CDC) and the South Carolina Department of Health and Environmental Control (DHEC), thereby limiting the spread of contagious diseases.

Community Relations Statutory Authority

SECTION 1-13-40. Creation of South Carolina Commission on Human Affairs.

(a) 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.

SECTION 1-13-70. Powers of Commission.

The Commission shall have the power:

(a) To establish and maintain its principal office in the city of Columbia and such other offices within the State as it may deem necessary.

(b) To adopt bylaws.

(c) To promulgate, in accordance with the provisions of this chapter, regulations including, but not limited to, regulations requiring the posting of notices prepared or approved by the Commission and the submission of equal employment opportunity plans and reports by any state agency or department or local subdivisions of a state agency or department or local subdivisions of a state agency or department, according to a format and schedule approved by the Commission.

(d) To formulate policies to effectuate the purposes of this chapter and to make recommendations to appropriate parties in furtherance of such policies.

(e) To obtain and utilize upon request the services of all governmental departments and agencies.

(f) To create or recognize advisory agencies and conciliation councils, local, regional, or statewide, as will aid in effectuating the purposes of this chapter and of Section 3 of Article I of the Constitution of this State. The commission may empower these agencies and councils to study problems of discrimination in all or specific fields of human affairs or in specific instances of discrimination because of race, religion, color, sex, age, national origin, or disability and to foster through community effort, or otherwise, goodwill, cooperation, and conciliation among the groups and elements of the population of the state. These agencies and councils also may make recommendations to the commission for the development of policies and procedures in general and in specific instances and for programs of formal or informal education which the commission may in turn recommend to the appropriate state agency. These advisory agencies and conciliation councils, as far as practicable, must be composed of representative citizens.

(g) To seek the understanding and cooperation of or to enter into agreement with any existing or later-created councils, agencies, commissions, task forces, institutions or organizations, public or private, which are, in the judgment of the Commission, dedicated to the promotion of human rights and affairs.

(h) To issue publications and results of investigations and research as in its judgment will tend to promote goodwill and the betterment of human affairs.

(i) To require from any state agency or department or local subdivisions of a state agency or department such reports and information at such times as it may deem reasonably necessary to effectuate the purposes of this chapter.



The statutes above provide options for addressing problems in human affairs and race relations. These statutes state the role of the South Carolina Human Affairs Commission (SCHAC) and how communities can come together to promote goodwill and the betterment of human affairs. These statutes provide a structure for people of different races, from diverse backgrounds, young and aged, both male and female, to come together, talk and work to find solutions to systemic discrimination and acts of overt discrimination.

SCHAC may empower existing or later created public/private entities representative of the community, such as city and county councils, agencies, commissions, task forces, institutions, school districts, and 501(c)3 organizations, community groups, etc., to work together to address human rights and affairs.

Listed on pages 7- 9 are the powers given to the Commission, and the four (4) broad powers given to community based groups to: 1) study problems of discrimination, 2) study specific instances of discrimination, 3) foster goodwill, cooperation, and conciliation, and 4) make recommendations to SCHAC, for further action. Communities may identify other problems in human affairs not listed on the charts but are appropriate for study in your location.

South Carolina Human Affairs Law (SCHAL): Section 1-13-70

SCHAC Powers	Local Powers
1. Create Advisory Agencies such as a Community Relation Councils	1. Study problems of discrimination <ul style="list-style-type: none"> • In all fields of human affairs • In specific fields of human affairs <ul style="list-style-type: none"> ○ Employment Disparities ○ Housing ○ Public Accommodations ○ Education <ul style="list-style-type: none"> ▪ Expulsions ▪ School Resource Officers ▪ School to Prison Pipeline ▪ Special Education ▪ Pathways to Success ▪ Teacher Bias ▪ Extra-curricular Activities ▪ Re-segregation ○ Food Desserts ○ Transportation Services ○ Criminal Justice <ul style="list-style-type: none"> ▪ Sentencing Disparities ▪ Parole Violations ▪ Expungement ▪ DJJ & Youth Issues ▪ Voting Rights ○ Wealth Creation <ul style="list-style-type: none"> ▪ Minority Business Enterprise ▪ State and Federal Assistance (CARES) ▪ Job Training and Job Creation ○ Law Enforcement <ul style="list-style-type: none"> ▪ Police Brutality ▪ Body Cameras/Surveillance ▪ Property Seizures ▪ Fees ▪ Community/Relationship Policing ▪ Use of Force ▪ Military Weaponry ▪ Community Residence Youth Programs and Interaction ▪ Appropriate Engagement ▪ Training <ul style="list-style-type: none"> • Criminal Justice Academy • Diversity (Awareness and appreciation of differences)
2. Create Conciliation Councils	
3. Recognize Advisory Agencies	
4. Recognize Conciliation Councils	
5. Locate Councils locally, regionally, and statewide	
6. Empower Agencies and Councils	
7. Recommend educational programs to state agencies	
8. Enter into agreement, understanding and partner with: <ul style="list-style-type: none"> • Existing or later created public/private <ul style="list-style-type: none"> ○ Councils ○ Agencies ○ Commissions ○ Task forces ○ Institutions ○ Organizations • Entities dedicated to human rights and affairs 	
9. Issue publications	
10. Issue results of investigations and research	
11. Require reports/information from state agencies	
12. Comply with and enforce other sections of the SCHAL as deemed necessary to effectuate the purpose of Chapter 13 and Section 3 of Article I of the South Carolina Constitution	

SCHAC Powers	Local Powers (<i>continued</i>)
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ▪ Training (<i>continued</i>) <ul style="list-style-type: none"> • Cultural Competency (Skill development for work across cultural lines) • Equity/Social Justice (Examines systems and history and how they impact individuals) <ul style="list-style-type: none"> ○ Bias ○ Prejudice ○ Bigot ○ Racist (Looks squarely at access to resources, power, and privilege) (Embraces change to reach equality) ○ Health Care <ul style="list-style-type: none"> ▪ Lack of physicians, healthcare services ▪ Lack of Healthcare Information ▪ Food Desserts ▪ Mental Health Services ▪ Alcohol and Drug Abuse Services ▪ Preventive Services ▪ Non-Insured ▪ Under-Insured ▪ Hunger ○ Voting Rights <ul style="list-style-type: none"> ▪ Voter Registration ▪ Disfranchisement ▪ Irregularities ▪ Polling Locations ▪ Scammers ○ Environmental Justice <ul style="list-style-type: none"> ▪ Clean Water ▪ Ground Contamination ▪ Air Quality ▪ Lack of Community Development ▪ Vacant Lots and Buildings ▪ Sidewalks ▪ Law Enforcement Response ○ Segregated Communities and Activities ○ Statues, Monuments, and Heritage ○ Crime <ul style="list-style-type: none"> ▪ Black-on-Black Crime ▪ Gangs ▪ Slavery/Human trafficking

SCHAC Powers	Local Powers (<i>continued</i>)
	<p>2. Study specific instances of discrimination</p> <ul style="list-style-type: none"> • Race • Religion • Color • Sex • Age • National Origin • Disability
	<p>3. Foster goodwill, cooperation, and conciliation</p> <ul style="list-style-type: none"> • Among groups • Among elements of the population
	<p>4. Make recommendations to SCHAC for:</p> <ul style="list-style-type: none"> • Development of policies • Development of procedures • Development of educational programs (formal and informal)

Establishing a Community Relations Council

During the 1960s and early 70s some communities across South Carolina had created organizations or groups that were established to foster the growth and development of better race relations. When the South Carolina Human Affairs Commission (SCHAC) was created in 1972, the General Assembly granted the Commission the authority to not only recognize the existing advisory and conciliation groups, but to also enter communities across the State to encourage the development of Community Relation Councils at the local, regional, and state levels.

The SCHAC may empower organizations, groups, and councils to study problems of discrimination in all or specific fields of human affairs or in specific instances of discrimination because of race, religion, color, sex, age, national origin, or disability and to foster through community effort, or otherwise, goodwill, cooperation, and conciliation among the groups and elements of the population of the State.

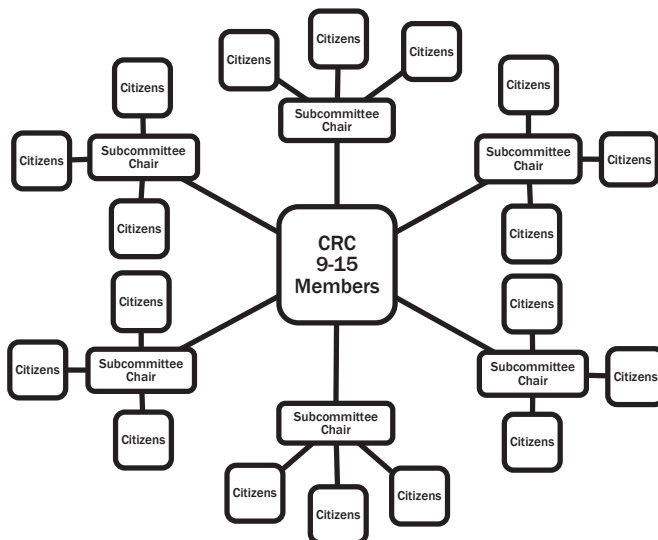
Through a **Memorandum of Agreement (MOA)**, the SCHAC empowers entities to conduct studies of issues related to community and race relations, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances, and for programs of formal or informal education, which the Commission may in turn recommend to the appropriate state agency and/or the South Carolina General Assembly.

- 1) Citizens can make their voices heard through Community Relations Councils. Groups may choose to study various issues impacting the quality of life of a community.

- 2) Upon the conclusion of a study, a Community Relation Council may provide to the Commission its findings and recommendations to improve community and race relations.
- 3) The local advisory/community council may define how the community has been negatively impacted regarding community and racial issue(s) and recommend improvements to positively affect persons or groups harmed, thus improving the entire community.
- 4) After receiving and reviewing the study and recommendations of a council, the Commission will consider that information and make recommendations to the appropriate State Agency to include the Office of the Governor, Members of the General Assembly, State Law Enforcement Agencies, Department of Commerce, Department of Health and Environmental Control, Department of Education, Department of Social Services, Department of Juvenile Justice and other relevant agencies.
- 5) The Commissioner of the SCHAC will work to facilitate with the appropriate State agencies, recommendations by the local council to improve the quality of life for all citizens in the community.

Advisory agencies and conciliation councils, as far as practicable, must be composed of representative citizens.

- 1) Each council must be composed of at least nine (9) or more citizens but no more than fifteen (15) organized for the purpose of promoting harmony, bettering human affairs, and encouraging fair treatment for, and fostering mutual understanding and respect among, all local citizens. Each council shall have a chair, co-chair, secretary, and other officers as necessary to effectuate its purpose. Each council may further establish subcommittee chairs within the original council, to oversee subcommittees representative of local citizens, agencies, 501(c)3 organizations, groups, etc., who will assist with studying problems in human affairs and instances of discrimination.



- 2) Each council should have the written endorsement of the mayor, city, or county council, announcing support for the Community Relation Council's programs and objectives.
- 3) Any local council which is **unable** to obtain the express endorsement of its local government or operates under the authority of a non-governmental entity, must have a membership of at least fifteen (15) or more local citizens.
- 4) Each council's membership should be representative of the community at-large with a fair representation of all racial and ethnic groups, and fair representation by sex, and age (age 18 and above).
- 5) Each council seeking official recognition by the SCHAC shall send to the Commission's **Community Relations Division**, a copy of the council's bylaws or other documents creating the entity, wherein the purpose of the council is clearly set forth; a copy of the written endorsement of the mayor, city or county council; a list of the council's executive officers; a statement setting forth the racial and sexual composition of the council's membership; and a letter requesting recognition and empowerment under the South Carolina Human Affairs Commission Law.

Community Relations Division

In accordance with state law, the Community Relations Division was created, 1) to encourage local resolution of problems and to foster better community and race relations throughout the state, and 2) **upon request**, create and empower Community Relation Councils and entities across the state to address problems in human affairs.

The Community Relations staff use conferences, conciliation, and persuasion to bring together cross-sections of people to resolve disputes involving discrimination in various areas of human interaction.

Duties of the Community Relations Division:

- ◆ Serves as a resource for South Carolinians to seek solutions to problems encountered due to social or institutionalized practices that have a divisive impact.
- ◆ Approve and empower Community Relation Councils and entities to address problems in human and race relations through a Memorandum of Agreement (MOA).
- ◆ Links state government to community groups by assisting in the establishment of or the continued operation of existing Community Relations Councils.
- ◆ Provide various trainings to assist members of councils and other entities, accomplish their goals and objectives to improve community and race relations.
- ◆ Advises councils on identifying problems, setting priorities in program planning and development, and developing funding processes for community projects.
- ◆ Coordinate the delivery of services to city and county governments, regions, and statewide to address problems in human affairs.
- ◆ Provides technical assistance, guidance, and state agencies' expertise, upon request to an existing council or entity.

- ◆ Conciliates complaints that rise from alleged violations under Section 1-13-90(e) and the Public Accommodations Act and any other allegations of discrimination occurring in sectors, other than employment or housing. Public accommodations discrimination complaints may be filed based on race, color, religion, and national origin. The statutory limitation for filing a public accommodation complaint is 180 days from the date of the alleged violation. The types of businesses covered include the following: inns, hotels, motels, restaurants, hospitals, clinics, theaters, concert halls, billiard parlors, barrooms, golf courses, sports arenas, stadiums, or other places of amusement, exhibition, recreation, or entertainment. Non-employment and 90(e) complaints may be filed based on race, color, religion, age (40 and above), sex, national origin, and disability. The statutory limitation for filing a non-employment and 90(e) complaint is 180 days from the date of the alleged violation.

You can contact the Community Relations Division at:

**Community Relations Division
South Carolina Human Affairs Commission
1026 Sumter Street, Suite 101
Columbia, South Carolina 29201
Toll Free Number: 1-800-521-0725**

Community Relations Division Alert System

To ensure that the state and its partnering councils and entities are: 1) addressing issues before they become a problem; 2) minimizing state and community unrest; and 3) lessening the chances for loss of life and property, the SCHAC has chosen to structure its delivery of services based upon three (3) levels of operation. These levels of operation conform with those established and used by the South Carolina Emergency Management Division - Operating Conditions (OPCON) designations and provide for an alert designation for internal and external use.

The goal of the SCHAC is always to minimize the chances of loss of life and property due to community and racial unrest. Therefore, our goal in partnership with Community Relation Councils and entities across the state, is to maintain our operations at Level 3: Normal Operations. This level means that people of good will are living and working together to create equity for all people; taking proactive steps to stop divisive actions; thereby, addressing and breaking down systems of racism and anything that contributes to problems in human affairs.

Our three levels of operation are:

Level 3: Normal Operation

Establishing Community Relation Councils
Identifying Community Partners
Training Community Partners
Defusing Racial Tensions
Defining Local/County Goals

Level 3: Normal Operation (*continued*)

Problem Solving
Holding Public Forums
Facilitate Focus Group Discussions
Equal Employment Opportunity Compliance
Fair Housing Compliance
Public Accommodation Compliance
Identifying Community Strengths, Weaknesses, Opportunities and Threats
Maintain Trust and Cooperation

Level 2: Enhanced Level of Awareness/Alert

Continued Level 3 Actions
Racial Tension/Rumored Hate Crime Eminent
Convene Local Leadership/Community Relation Council Membership
Identify Community/Racial Issues
Problem Solve
Attempt to Mediate Community Conflict
Hold Community Meetings
Meet with State and Local Leaders
Establish Trust and Cooperation

Level 1: Eminent Loss of Life and Property

Property Damage
Law Enforcement Needed to Reinstigate Peace
Curfew in Place
Meet with Appropriate Leaders
Problem Solve
Mediate/Conflict Resolution
Negotiate Resolution of Conflict
Meet with State and Local Leaders
Community Meetings
Work in Partnership to Reestablish Trust and Cooperation

Community Relations Division Service Areas

In keeping with the current service areas used by the South Carolina Emergency Management Division and Operating Conditions (OPCON) protocol, SCHAC services are delivered in six designated areas.



Staffing:

Area 1: _____

Area 2: _____

Area 3: _____

Area 4: _____

Area 5: _____

Area 6: _____

At-Large: _____

Responding Appropriately to Problems in Human Affairs

The SCHAC acknowledges that responding to problems in human affairs may require action from multiple levels of government. Actions may include changes in federal and state laws, executive actions, etc. Regardless of the actions, SCHAC will help local communities, citizens and leaders determine which level of government is most appropriate to respond to their concerns, and obtain and utilize upon request, the services of all governmental departments and agencies to effectuate change.

Levels of Intervention

Federal Response

Actions required by:

- President
- Congress
- Courts
- Federal Agencies
- Engagement of US Citizenry

State Response

Actions required by:

- Governor
- General Assembly
- Courts
- State Agencies
- Engagement of State Citizenry

Local Response

Actions required by:

- Mayor
- City Council
- County Council
- Local Agencies
- Engagement of Local Citizenry

Laws Enforced by the South Carolina Human Affairs Commission

The South Carolina Human Affairs Commission (SCHAC) was established by the South Carolina General Assembly in 1972 under the leadership of former Governor John West. The Commission was created to “prevent and eliminate” unlawful discrimination. The agency was established in response to a period of racial unrest prevalent during the 60s and 70s and is legislatively authorized to take preemptive actions to address race relations, racism, and civil unrest. Our federal partners are the United States Equal Employment Opportunity Commission (EEOC) and the United States Department of Housing and Urban Development (HUD).

The SCHAC administers and enforces the South Carolina Human Affairs Law (EEOC/Title VII); the South Carolina Fair Housing Law (HUD/Fair Housing Act); the Equal Enjoyment and Privileges to Public Accommodations Act; and the Lactation Support Act. The major objective of each law is the prevention and elimination of unlawful discrimination.

The [South Carolina Human Affairs Law](#), enacted in 1972, created the South Carolina Human Affairs Commission. The law was implemented to promote harmony and the improvement of human affairs in South Carolina and to allow for maximum development of the State economically, educationally, and socially. The Commission administers the law in several ways. Its primary activities include investigating and attempting to resolve charges alleging unlawful discrimination; monitoring the employment practices and affirmative action efforts of state government agencies; providing training and technical assistance to employers and others who seek to comply with the Human Affairs Law; and conducting a study of problems which threaten the objectives of the Law, in order to promote better community relations and interracial harmony.

Additionally, the [Pregnancy Accommodations Act](#) changed the Human Affairs Law when it was signed by Governor Henry McMaster in 2018. The change forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment. It requires employers with 15 or more employees¹ to provide reasonable accommodations to employees and applicants for medical needs arising from pregnancy, childbirth, or related medical conditions.

The [Lactation Support Act](#) was enacted by the General Assembly and signed by Governor Henry McMaster on June 25, 2020. This Act requires that an employer, regardless of size, must permit a lactating employee reasonable opportunity to express milk somewhere near the workplace that is a private place, other than a toilet stall. An employee may file a charge of discrimination with SCHAC in the event the employer unreasonably denies this opportunity or takes any adverse action against the employee for making this request. The Act states that an employee may use reasonable unpaid break time, or paid break

¹ Calculated pursuant to S.C. Code Ann. §1-13-30(e), which states 15 or more employees are required for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.

time or mealtime, to express breast milk. However, an employer will not be held liable if it demonstrates reasonable efforts to comply with the Lactation Support Act.

The [South Carolina Fair Housing Law](#) was enacted in 1989 and gave the Commission jurisdiction to investigate all fair housing complaints in the State. Under the Fair Housing Law, it is unlawful to refuse to sell or rent a dwelling based on race, color, religion, sex, familial status, national origin, or handicapping condition. It is also unlawful to discriminate in terms and conditions of a rental or sale, or to threaten someone due to any protected bias.

The [Equal Enjoyment and Privileges to Public Accommodations Act](#) was enacted by the State General Assembly in 1990. This historic legislation provides that all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodations without discrimination or segregation on the basis of race, color, religion or national origin. Examples of the types of public establishments covered by the law include any inn, motel, hotel or other lodging business; any restaurant, cafeteria, lunchroom, lunch counter or soda fountain; any hospital or clinic; any retail or wholesale establishment; and any motion picture house, theater, concert hall, billiard parlor, saloon, bar room, golf course, sports arena, stadium or any other recreational area.

The Commission's enforcement powers under the HAL and FHL are broad and strong. The agency's board, when handling contested cases under the HAL, FHL, or Public Accommodations law has the authority to subpoena witnesses, issue orders, hold hearings and enforce findings. Its jurisdiction covers the public and private sectors. If a problem is not related to these areas, the Commission attempts to resolve the issue by conference, conciliation, or persuasion.

Go to: www.schac.sc.gov to print additional copies of this document.

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