This fact sheet answers:

- Why Should I Document Disability Discrimination?
- What Should I Use to Document Disability Discrimination?
- Should I Let My Employer Know That I Am Keeping Documentation?
- And More
Should I Document Disability Discrimination?
Yes. It is important to keep a record of any conversations or interactions that you believe show that you are being discriminated against. It is a good idea to keep this record even if you are not sure if you will take legal action.

Why Should I Document Disability Discrimination?
There are several reasons, including:

If you decide to take legal action, a record written at the time of the incident can be helpful evidence.

If you are trying to decide if you want to take legal action, a written record can be very helpful to the attorney who is looking over and reviewing your case.

If you decide not to take legal action but want to do something about the discrimination, a written record will allow you to review all of the things that happened to help you think of different ways to stop discrimination if it happens again.

I Will Never Forget What Happened to Me. Should I Still Document the Discrimination?
Yes. It is very hard for most of us to remember details of a conversation or interaction long after it is over. It is also helpful, from a legal perspective, to have notes from the time the discrimination happened. It will also help you remember conversations or interactions months or years later if you need to.

Should I Let My Employer Know That I Am Keeping Documentation?
No. You should keep this documentation private. Sharing this with your employer may make the situation worse.

What Should I Use to Document Disability Discrimination?
There is no one-size-fits-all way. The key is to find a way that is easy for you.

Here are a few ideas:

• **Journal:** Some people like to keep a hard-copy journal with them at all times used only to document discrimination.

• **Calendar/Planner:** Other people always keep a calendar with them and use it to track discrimination too.

• **Computer:** Some people like to keep notes on their computer. If you use this strategy, only use a personal (non-work) computer.

• **Cell/mobile device:** Some people like to keep notes on a cell phone or other mobile device because it is always with them and easy to access. Again, do not use work equipment.

Any notes that are kept on an electric device should also be backed-up on the cloud or a removable drive in case the original device breaks or is lost.
What Do I Need to Document?
There are three important things to remember when documenting discrimination.

1. Write down any time supervisors or co-workers treat you differently or unfairly due to your disability.
   Include:
   - The time, date, and location.
   - The names of everyone involved, and their roles.
   - The names of everyone who saw or heard the discrimination, and what you believe they saw or heard—witnesses.
   - A detailed description of everything that happened. Be as specific as possible.
     - If you can remember exactly what a person said, include the statement as a quote. Example: John said, “You cannot get special treatment in this department.”
     - Otherwise, write down what you heard in your own words. Example: John told me I couldn’t get special help on the job.

2. Keep copies of all written documents, including emails, that are important to understand the discrimination.
   These documents can include: hand-written or typed notes, memos, letters, files, policies, procedures, reports, evaluations, and emails.

   Print important emails sent on your work email in case you no longer have access to it.

3. Follow up with conversations in writing.
   If you have an important conversation with your employer, follow up in writing, repeating the content of the communication. An effective way to do this is to send a thank you note.
   - Example: Thank you for meeting with me to discuss my request for an accommodation...
   - Example: Thank you for your time today to discuss my concerns about... During this conservation, you said that...

   For very important communications, request a written response.

   To show proof the person got your message, think about sending letters by certified or overnight mail.

Is There Anything That I Should Not Do?
Yes. Do not do anything that could come back to hurt you.

   - Do not use office computers to get information that does not belong to you, even if you have a password.
   - Do not take information out of work files that are not yours.
   - Do not secretly record your conversations (this is against the law).

Is There Anything Else I Need to Know?
You have the right to review your personnel file and add your side of the story if you disagree with information in it. See CAP’s “How to Ask For a Copy of Your Personnel File” fact sheet to learn more.
EMPLOYEE WORKSHEET
Documenting Discrimination

Use this worksheet to help you keep track of conversations and interactions.

Interaction: ____________________________________________________________

Date & Time: ___________________________________________________________

Location: ______________________________________________________________

Names/role of all people involved: __________________________________________

Names of all witnesses and what they heard or saw: ____________________________

Detailed description of everything that happened (be as specific as possible): ____________

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