

3. Procedures for Processing Complaints

3.1 Filing of Complaints

3.11 The Equal Opportunities Division shall not accept any complaint filed more than three hundred (300) days after the alleged discrimination occurred, except that complaints of housing discrimination may be filed up to one (1) year after the alleged discrimination occurred.

3.111 Once a complaint is filed with the EOD, an Investigator will determine whether the allegations of the complaint occurred within 300 days of the filing. Any allegedly discriminatory act that occurs outside of that 300-day period will not be investigated.

3.112 If a complaint alleges facts sufficient to set forth a pattern or practice of discrimination, the complaint will be timely if at least one incident establishing the pattern or practice occurred no more than 300 days prior to the date on which the complaint was filed with the Department. A pattern or practice may be established if three (3) or more substantially similar incidents of discrimination are alleged to have occurred with respect to the same individual. If a pattern or practice of discrimination is established, incidents forming the pattern or practice of discrimination that fall outside of the 300 day period prior to the filing of the complaint may be considered as part of the allegation of discrimination.

3.12 A formal complaint may be filed by the Complainant in person, mailed, or transmitted electronically to the office of the Equal Opportunities Division.

3.121 A formal complaint shall be set forth on an approved form.

3.122 Electronic signatures will be accepted on the approved Complaint form filed through the Department of Civil Rights website, with the party filing the Complaint affirmatively indicating on that form that they are signing the document electronically.

3.123 A formal complaint must contain a statement of allegations which, if proven, would establish a prima facie case of discrimination.

3.124 EOD staff may provide assistance in the identification and clarification of issues and in the drafting of the formal complaint.

3.13 A Complainant may be required to provide additional information and/or documentation to DCR staff during the "intake" of the complaint to meet the standards set forth in Equal Opportunities Commission (EOC) Rules 3.121 through or to obtain necessary information before the investigation process begins.

- 3.14 Once a complaint has been filed, the EOD shall serve notice upon the Complainant. Such notice shall acknowledge the filing and advise the Complainant of applicable time limits.
- 3.15 The EOD shall serve notice upon a Respondent that a complaint has been filed. Such notice shall notify the Respondent of the right to file a written answer to the complaint. If the Respondent chooses to file an answer, the answer shall be filed within 20 days of service of the complaint.
- 3.16 The EOD shall not investigate any complaint which is not a formal complaint as defined in EOC Rule 2.8 or which has not been served on the Respondent.
- 3.17 Any person who files a complaint with the EOD shall promptly inform the EOD of any changes of address or telephone number, or any prolonged absences from the address which he or she has provided to the EOD when necessary. In addition, a Complainant shall, at the time of filing a complaint, provide the EOD with the name, address and telephone number of a person who will always know how to reach the Complainant.