

**Edelman v. Lynchburg College**  
122 S. Ct. 1145 (March 19, 2002)

The Supreme Court upheld the validity of an Equal Employment Opportunity Commission regulation that permits an otherwise timely filer to verify (swear to/affirm) a charge after the time for filing has expired.

Under Title VII of the Civil Rights Act of 1964, a complainant must file a “charge” with the EEOC within a certain time after the alleged conduct, and to affirm or swear that the allegations are true. A complainant generally has 180 days from the time of the alleged unlawful employment practice to file a charge, but a 300 day filing period applies if the charging party also institutes proceedings with a state or local agency with authority to seek or grant relief.

On June 6, 1997, Lynchburg College denied academic tenure to petitioner Leonard Edelman, who faxed a letter to an EEOC field office on November 14, 1997, claiming gender-based employment discrimination, exacerbated by discrimination on the basis of national origin and religion. Edelman made no oath or affirmation in this letter. The EEOC did not receive a verified Form 5 Charge of Discrimination from Edelman until April 15, 1998, 313 days after the denial of tenure.

In ruling that the charge was timely filed and that the affirmation “related back” to Edelman initial letter, the Court referred to an EEOC regulation (29 CFR §1601.12(b) (1997), which states that “a charge is sufficient when the Commission receives from the person making the charge a written statement sufficiently precise to identify the parties, and to describe generally the action or practices complained of. A charge may be amended to cure technical defects or omissions, including failure to verify the charge, or to clarify and amplify allegations made therein.”