COMPLAINT GUIDELINES

Please read each attached page carefully. Please complete this form, and return to:

NAACP
ATTN: Legal Redress Committee
304 N. 6th Street
San Jose, CA 95112

(408) 295-3394
(408) 295-4355 Fax
E-Mail:jmoore2@sanjosenaacp.org

PLEASE NOTE:

• The NAACP cannot help you with your civil rights complaint until this form has been completed and returned;
• Thorough completion of this form will help to expedite the handling of your complaint;
• The sheer volume of complaints received prevents the NAACP from pursuing every matter. Our ability to assist is directly related to membership support. We do not receive financial support from the government.
FILING A CIVIL RIGHTS COMPLAINT

To process a civil rights complaint, the individual must be able to provide enough information to reasonably establish that there has been a violation of the law. To establish grounds, it will be helpful to the investigating agency if you can provide the following information:

- The name, address and telephone number of the person or business against whom you are complaining and, for employment complaints, your best estimate of the total number of persons employed by the business;
- The dates of all alleged discriminatory incidents and the names of everyone involved;
- Specific examples of different/discriminatory treatment, indicating the people and conduct involved;
- Names, addresses and telephone numbers (if possible) of all witnesses;
- Copies of any relevant policies and/or documents;
- For an employment complaint that involves a union, the name, address and telephone number of the union local and the relevant representative, including the status of any filed grievance(s);
- Copies of any complaints filed with any state or federal agency.

INFORMATION TO CONSIDER WHEN FILING A CIVIL RIGHTS COMPLAINT

- If it is an employment matter, it can still be referred to the Equal Opportunity Commission (EEOC) if the alleged discriminatory act(s) occurred within the past 300 days;
- You should be able to provide a reason for your belief that the act(s) occurred because of religion, race, color, national origin, age, sex, height, weight, marital status, familial status, physical or mental disability, arrest record, or in retaliation for making or participating in a complaint about one of these categories;
- The alleged discriminatory act(s) occurred in Santa Clara County;
- The person or entity against whom you are complaining is not a United States, Canadian or Native American governmental agency;
- The matter is not pending in any court of law.

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1 In education issues, age and marital status applies only to records made for admission purposes.
2 Height, weight and arrest record apply to employment only.
3 See Footnote #2, above.
4 See Footnote #1, above.
5 Applies to housing only.
6 See Footnote #2, above.
Dear ____________ Community Member:

San Jose/Silicon Valley Branch NAACP will refer complaints alleging employment discrimination to an appropriate agency for official investigation, i.e., EEOC or Local Human Rights Commission and monitor the agency's work on all cases referred by the NAACP. Completing this form does not constitute filing an official complaint with a legal authority.

To the extent resources allow, the San Jose/Silicon Valley Branch of the NAACP may provide other supportive assistance to the complainant. In virtually all instances of employment discrimination, complainants will lose their right to any form of legal remedy if they do not file a complaint with the EEOC within 180 days of the event of the alleged discriminatory conduct and/or act. Please answer all questions and be as specific as possible. These directions are numbered to match the questions.

Question 1: Be sure to give your full name and address. If you do not have a phone, give a phone number where you can be reached.

Question 2: Please check the box that indicates what you believe to be the cause of discrimination (if other, please state what other).

Question 3: If you believe that other parties (for example, a labor union or any employment agency, in addition to an employer) were involved in the act of discrimination, list them on the last line of section 3.

Questions 4, 5 and 6: If you have consulted an attorney or filed this complaint with a state or local human relations commission, Federal government, union or agency, check "yes" and give the name of the entity.

Question 7: Give the day, month and year of the most recent incident when discrimination took place. In some instances, the discrimination may be continuing. For example, seniority lines are segregated.

Question 8: Tell us as much as you can. For example: Were you fired? Did you fail to get a promotion? Did the company refuse to hire you? Did the union or employment agency refuse to refer you to a job? Who discriminated against you? Why do you believe it was because of your race, color, religion, national origin, sex, age or other?

Question 9: Sign your name, and mail or take the completed complaint form to the San Jose/Silicon Valley Branch NAACP, 304 N. 6th Street, San Jose, CA 95112

Sincerely,

Legal Redress Committee
San Jose/Silicon Valley Branch NAACP
304 N. 6th Street
San Jose, CA 95112
COMPLAINT OF DISCRIMINATION

Completing this form does not constitute filing an official complaint with a legal authority. At this time, the NAACP is only seeking information to assist you concerning this complaint. Please answer all questions and be as specific as possible.

MAIL OR DELIVER TO
San Jose/Silicon Valley Branch NAACP, 304 N. 6th Street, San Jose, CA 95112
(Please print or type)

QUESTION 1:
YOUR NAME

PHONE NUMBER
STREET ADDRESS
CITY, STATE
ZIP CODE

QUESTION 2:
WAS THE DISCRIMINATION BECAUSE OF: (Please check those that apply)

RACE OR COLOR
RELIGION
NATIONAL ORIGIN
SEX
AGE
HANDICAPPED STATUS
OTHER

QUESTION 3:
WHO DISCRIMINATED AGAINST YOU? GIVE NAME AND ADDRESS OF EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, LICENSING AGENCY, ETC. (List all)

NAME

AND (Other parties, if any)

STREET ADDRESS
CITY, STATE
ZIP CODE
QUESTION 4:
HAVE YOU FILED A **COMPLAINT** WITH ANY GOVERNMENTAL AGENCIES? IF SO, WHICH ONE(S)?

YES
NO

QUESTION 5:
HAVE YOU FILED A GRIEVANCE WITH YOUR UNION?

YES
NO

NAME OF LOCAL REPRESENTATIVE:


QUESTION 6:
HAVE YOU RETAINED AN ATTORNEY REGARDING THIS CASE?

YES
NO

IF YES:
NAME OF ATTORNEY
PHONE
ADDRESS

QUESTION 7:
The actual date or the most recent date on which discrimination occurred:

DAY OF MONTH
TIME OF DAY ______ AM/PM

**DISCRIMINATION** OCCURRED:
MONTH
YEAR
QUESTION 8.

EXPLAIN WHAT UNFAIR THING WAS DONE TO YOU:
(Attach additional paper if needed)
QUESTION 9.

I AFFIRM THAT I HAVE READ THE ABOVE COMPLAINT AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SIGNATURE OF COMPLAINTANT: X___________________________
DATE:__________________________
RELEASE AND DISCLAIMER

I, _____________________________________, reside at_____________________________________. By placing my Initials to the left of each numbered item below, I affirm that I understand it and agree with it.

1. I have submitted to the San Jose/Silicon Valley Branch of the NAACP a Complaint of Discrimination directed against ________________________ (Respondent).

2. I understand that the NAACP is a private, nonprofit, voluntary organization. It is not a government agency. Filing a complaint with the NAACP is not the same as filing a complaint with an administrative agency or filing a law suit in a court of law. Whatever rights I have to file a complaint with an administrative agency or to file a civil lawsuit are completely unaffected by filing this complaint with the NAACP.

3. The deadline by which I must file my complaint or lawsuit with ____________________________ is ____________________________. If I do not file my complaint or lawsuit with _________________________by that time, I may not have a right to recover for any harm from the respondent.

4. I have authorized the NAACP to investigate my complaint; (2) to attempt to mediate my complaint with Respondent in order to explore the possibility of settlement; and (3) if there is no settlement, to provide me at least three referrals of lawyers who may consider representing me in litigation against Respondent.

5. I understand that the NAACP in no way guarantees the competency, professionalism or fitness of the lawyers whose names have been provided.

6. I will provide the NAACP copies (not originals) of whatever documents I have to support the complaint. If I request in writing that some of the material will be held in confidence, the NAACP will hold it in confidence; otherwise the NAACP may share it with the Respondent or with state or federal anti-discrimination agencies.

7. If the NAACP mediates my complaint with Respondent, I will refrain from filing my complaint with a state or federal anti-discrimination agency, or filing a lawsuit while the mediation is in progress. However, I am free at any time, after notifying the NAACP of my intentions, to terminate the mediation and file a complaint with a state or federal anti-discrimination agency or file a lawsuit. If the mediation is nonbinding, I am not required to accept a settlement with Respondent.

8. NAACP will receive no funds from any mediation or settlement. Persons conducting settlement and negotiations are not lawyers and are not providing legal services.

9. I agree that if I accept a settlement with Respondent, I will be required to sign a release of Claims against a Respondent, and I will honor the terms of such a Release and Claim.

10. I understand that if the NAACP refers me to a private attorney, I am not required to retain him/her and s/he is not required to offer legal representation to me. I understand that such representation need not be without charge, but may be on whatever terms agreed upon. I understand that s/he does not also represent the NAACP, nor is s/he employed or paid by the NAACP.

11. I understand that the NAACP is not a law firm and cannot provide me with legal advice or legal representation. Although some of its members and volunteers are lawyers, they represent the NAACP and not me personally.
12. I release and hold harmless the NAACP, its officers, directors, employees, agents, personal actions and actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreement, promises, variances, trespasses, damages, judgments, executions, claims and demands whosoever in law and in equity, which I ever had, may have in the future, or which any of my personal representatives, successors, heirs or assigns hereafter can, shall or may have against the NAACP, upon or by reason of the NAACP's handling of my Complaint of Discrimination.

Dated __________________________
Agreed___________________________