

- OAG Home
- OAG Contact
- Division of Alcoholic Beverage Control
- Division of Consumer Affairs
- Division of Criminal Justice
- Division on Civil Rights**
- Know the Law
- Know Discrimination Types
- File a Complaint**
- Mediation Program
- Civil Unions
- Director's Orders & Findings
- Division of Gaming Enforcement
- Division of Highway Traffic Safety
- Division of Law
- Juvenile Justice Commission
- NJ Racing Commission
- State Athletic Control Board
- Division of NJ State Police
- Victims of Crime Compensation Office



OAG Services from A - Z

**DIVISION ON CIVIL RIGHTS**

**CIVIL RIGHTS**

OAG Home   
 Craig Sashihara  
 Director

**How to File a Complaint**

[Contact the Division](#) | [Fact Sheets](#)

**► [Employment Discrimination Complaint Pre-Interview Questionnaire](#)**



Complaints must be filed with the Division on Civil Rights within 180 days after the alleged act of discrimination. A complaint can be filed at any of our four regional offices. To make arrangements [contact the office](#) nearest to you. We cannot accept complaints

via e-mail at this time.

Once a complaint is accepted, the Division will conduct an investigation. Following the completion of the investigation, the Director will determine whether or not probable cause exists to believe that unlawful discrimination has occurred. If a finding of probable cause is issued, the case will be transmitted to the Office of Administrative Law where a full hearing will take place before an Administrative Law Judge. The case may be litigated by a state Deputy Attorney General on behalf of the Division, or the complainant may choose to litigate the case personally or through private counsel. If a finding of no probable cause is issued, the case is closed without further proceedings by the Division. If the Director has not made a probable cause determination within 180 days of the filing of the complaint, the complainant may request to litigate the case at the Office of Administrative Law either personally or through private counsel (but not by a Deputy Attorney General).

If, after investigation and an administrative hearing of a complaint, the Director determines that unlawful discrimination occurred, the Director can order the respondent to take affirmative action to remedy the discrimination. The Director is authorized to order relief such as reinstatement, hiring, or upgrading of the employee, and may also award back pay and damages for pain and humiliation. Further, after the hearing, the Director may also award attorneys fees to prevailing complainants and may assess a statutory penalty against the responding party.

Alternatively, an aggrieved party may file a complaint in New Jersey Superior Court within two years of the alleged violation (six years if the alleged violation occurred before July 27, 1993).



A person may initiate an action in Superior Court without first filing a complaint with the Division.

- DCR Home
- DCR en Español
- DCR News
- [File a Complaint](#)
- About DCR
- Library / Forms
- DCR FAQs
- Education
- Know The Law
- Employment
- Proposed Rules
- Other Resources
- Contact DCR
- Services A - Z

**Highlights**

- [Family Leave Act \(FLA\)](#)
- [Civil Rights Division Reports](#)
- [Anti-Discrimination Posters](#)
- [Letter to Property Owners](#)
- [School Bullying Information](#)
- [2011 MDRR Online Filing](#)
- [Free NJ Judiciary Foreclosure Mediation Program 1-888-589-5277](#)



However, filing a complaint in Superior Court bars the filing of a simultaneous complaint with the Division because a person may not process a complaint of discrimination simultaneously before the Division and in Superior Court. A person who files an action in Superior Court, is entitled to a jury trial. A successful litigant may be awarded reinstatement, hiring or upgrading and back pay as well as damages for pain and humiliation. In more egregious cases, an award of punitive (punishment) damages may be made. An award of attorneys fees is also available to prevailing parties in Superior Court.

It is important that initial information given to the Division be as complete and accurate as possible. When a complaint is filed, it is helpful to bring the following information:

- Names and addresses of the person or persons alleged to have discriminated against you and names of possible witnesses.
- Documentation to support that claim. Documentation to support the damages being sought, such as wage statements, proof of medical expenses.
- The [Employment Discrimination Complaint Pre-Interview Questionnaire](#) (pdf), if you are filing an employment discrimination claim. The form is intended to be used as a guide and we recommend that you fill it out and bring it with you if you decide to visit a Division office for purposes of filing an official complaint. When you appear in person, at a Division office, be prepared to provide the information requested in the questionnaire. You may not complete the questionnaire and send it to the Division. The completion of the form in no way constitutes the official filing of a complaint with the NJ Division on Civil Rights.

If you have further questions, please review our informative [fact sheets](#).

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Divisional: [DCR Home](#) | [Contact DCR](#) | [About DCR](#) | [DCR News](#) | [DCR FAQs](#) | [Services A-Z](#)

Departmental: [OAG Home](#) | [Contact OAG](#) | [About OAG](#) | [OAG News](#) | [OAG FAQs](#)

Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)

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