Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

EDELMAN *v.* LYNCHBURG COLLEGE

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 00–1072. Argued January 8, 2002—Decided March 19, 2002

Title VII of the Civil Rights Act of 1964 requires that a "charge" of employment discrimination be filed with the Equal Employment Opportunity Commission "within [a specified numbers of] days after the alleged unlawful practice occurred," §706(e)(1), and that the charge "be in writing under oath or affirmation," §706(b). An EEOC regulation permits an otherwise timely filer to verify a charge after the time for filing has expired. After respondent Lynchburg College denied academic tenure to petitioner Edelman, he faxed a letter to the EEOC in November 1997, claiming that the College had subjected him to gender-based, national origin, and religious discrimination. Edelman made no oath or affirmation. The EEOC advised him to file a charge within the applicable 300-day time limit and sent him a Form 5 Charge of Discrimination, which he returned 313 days after he was denied tenure. Edelman subsequently sued in a Virginia state court on various state-law claims, but later added a Title VII cause of action. The College then removed the case to federal court and moved to dismiss, claiming that Edelman's failure to file the verified Form 5 with the EEOC within the applicable filing period was a bar to subject-matter jurisdiction. Edelman replied that his November 1997 letter was a timely filed charge and that under the EEOC regulation, the Form 5 verification related back to the letter. The District Court dismissed the Title VII complaint, finding that the letter was not a "charge" under Title VII because neither Edelman nor the EEOC treated it as one. The Fourth Circuit affirmed, holding that Title VII's plain language foreclosed the relation-back regulation. The court reasoned that, because a charge requires verification and must be filed within the limitations period, it follows that a charge must be verified within that period.

Syllabus

Held: The EEOC's relation-back regulation is an unassailable interpretation of §706. Pp. 4–12.

(a) There is nothing plain in reading "charge" to require an oath by definition. Title VII nowhere defines "charge." Section 706(b) merely requires that a charge be verified, without saying when; §706(e)(1) provides that a charge must be filed within a given period, without indicating whether it must be verified when filed. Neither provision incorporates the other so as to give a definition by necessary implication. The Fourth Circuit's assumption that §§706(b) and (e)(1) must be read as one, with "charge" defined as "under oath or affirmation," was a doubtful structural and logical leap. Nor is the gap bridged by the commonsense rule that statutes are to be read as a whole, see *United States* v. *Morton,* 467 U. S. 822, 828, for the two quite different objectives of the timing and verification requirements prevent reading "charge" to subsume them both by definition. The time limitation is meant to encourage a potential charging party to raise a discrimination claim before it gets stale, while the verification requirement is intended to protect employers from the disruption and expense of responding to a claim unless a complainant is serious enough and sure enough to support it by oath subject to liability for perjury. The latter object, however, demands an oath only by the time the employer is obliged to respond to the charge, not at the time an employee files it with the EEOC. The statute is thus open to interpretation and the regulation addresses a legitimate question. Pp. 4–6.

(b) The College's argument that the regulation addressed a substantive issue over which the EEOC has no rulemaking power is simply a recast of the plain language argument just rejected. Moreover, there is no need to resolve the degree of deference reviewing courts owe the regulation because this Court finds that the rule is not only reasonable, but states the position the Court would adopt were it interpreting the statute from scratch. Pp. 6–7.

(c) Although the verification provision is meant to forestall catchpenny claims of disgruntled but not necessarily aggrieved employees, Congress presumably did not mean to affect Title VII's nature as a remedial scheme in which laypersons, rather than lawyers, are expected to initiate the process, see, *e.g., EEOC* v. *Commercial Office Products Co.,* 486 U. S. 107, 124. Construing §706 to permit the relation back of an oath omitted from an original filing ensures that the lay complainant, who may not know enough to verify on filing, will not risk forfeiting his rights inadvertently. At the same time, the EEOC looks out for the employer's interest by refusing to call for any response to an otherwise sufficient complaint until the verification has been supplied. This Court would be hard pressed to take issue with the EEOC's position after deciding, in *Becker* v. *Montgomery,* 532

U. S. 757, 765, that a failure to comply with Federal Rule of Civil Procedure 11's signature requirement did not require dismissal of a timely filed but unsigned notice of appeal because nothing prevented later cure of the signature defect. There is no reason to think that relation back of the oath here is any less reasonable than relation back of the signature in *Becker*. In fact, it would be passing strange to disagree with the EEOC even without *Becker,* for a long history of judicial practice with oath requirements supports the relation-back cure. Moreover, the legislative history indicates that Congress amended Title VII several times without once casting doubt on the EEOC's construction. Pp. 7–11.

(d) This Court's judgment does not reach the District Court's conclusion that Edelman's letter was not a charge under Title VII because neither Edelman nor the EEOC treated it as one. The Court notes, however, that that view has some support at the factual level in that the EEOC admittedly failed to comply with §706(e)(1)'s requirement that "notice of the charge . . . be served upon the person . . . charge[d] within ten days" of filing with the EEOC. Edelman's counsel agrees with the Government that the significance of the delayed notice to the College will be open on remand. Pp. 11–12.

228 F. 3d 503, reversed and remanded.

SOUTER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and STEVENS, KENNEDY, THOMAS, GINSBURG, and BREYER, JJ., joined. THOMAS, J., filed a concurring opinion. O'CONNOR, J., filed an opinion concurring in the judgment, in which SCALIA, J., joined.