



Process and Procedure for Withdrawing a Complaint

This procedure is being issued to ensure the uniformity of withdrawing a complaint of discrimination at the Massachusetts Commission Against Discrimination (MCAD).

The provisions governing the withdrawal of a complaint of discrimination at the MCAD are defined in the agency's Rules of Procedure ([804 CMR 1.00 \(2020\)](#)), specifically 804 CMR 1.04 (12). Individuals or attorneys who want to withdraw a complaint of discrimination should first consult the agency's regulations relative to when a complaint can be withdrawn.

Per 804 CMR 1.04 (12), all requests to withdraw a complaint or notices of withdrawal must be made in writing to the MCAD.

To withdraw a complaint in writing, individuals and attorneys must complete and submit an MCAD complaint withdrawal form. **The MCAD will not approve a request for withdrawal within the first 90 days of complaint filing unless that request is made using an MCAD withdrawal form.** No other means of written withdrawal will be accepted or approved.

Individuals, or attorneys, seeking to withdraw a complaint of discrimination in a housing case should complete this [form](#). For all other withdrawal requests (employment, public accommodations, etc.) this [form](#) is required to be completed.

A withdrawal form is complete when all requested information is provided and the form is signed/e-signed and dated by the complainant or their attorney. Unsigned forms will not be accepted. Electronic signatures are accepted.

Withdrawal forms submitted by attorneys will only be processed if the attorney has entered an appearance with the MCAD in the case to be withdrawn.

Completed and signed withdrawal forms should be sent by email whenever possible to MCADwithdrawals@mass.gov. Emailed forms must be signed/e-signed and submitted in a PDF format. Mailed forms should be sent to the attention of the MCAD Administrative Supervisor, One Ashburton Place, Room 601, Boston, MA 02108.

The Investigating Commissioner will review requests to withdraw that are submitted within 90 days of complaint filing and approve or deny such request in writing. 804 CMR 1.04(12)(b) (2020). For all other requests, a dismissal notice will be issued.

Withdrawals Post Probable Cause Determination

Withdrawals, post-probable cause, are subject to the rules above, except that completed withdrawal forms should be emailed to the Clerk of the Commission, Theresa Lepore, at Theresa.lepore@mass.gov. Emailed forms must be signed and submitted in a PDF format. Mailed forms should be sent to the attention of the Clerk of the Commission at One Ashburton Place, Room 612, Boston, MA 02108.

Withdrawal Form Requirements During the MCAD's Alternative Dispute Resolution Process (ADR)

Housing Complaints

In instances where a housing complaint is subject to the MCAD's ADR process (i.e., a pre-determination mediation or a post-determination conciliation), and the matter is settled during that process, the MCAD seeks to have **complainants sign a withdrawal form on the day of their ADR proceeding.**

The withdrawal form and the fully executed settlement agreement are required to close a housing case during the ADR process.

A signed withdrawal form in a housing complaint matter, that is also dual filed with the U.S. Department of Housing and Urban Development (HUD), does not restrict the MCAD's ability to reopen the case. In the event the respondent does not comply with the agreed terms, including non-payment of financial compensation, the complainant can request that their case be reopened if it is still within the statute of limitations.

Parties will generally have three business days to return a signed copy of the settlement agreement to the ADR attorney. Parties can request an extension from the ADR attorney for good cause. Good cause shall include, but not be limited to, the inability to consult with an attorney within that timeframe, despite an attempt to do so.

If only one party timely returns a copy of a partially executed settlement agreement and the other party fails to do so without a showing of good cause, the Investigating Commissioner will determine whether a pre-determination case should be administratively closed or referred back to Investigations, or whether a post-determination case should be administratively closed or receive a discovery order.

Non- Housing Complaints

(i.e., employment, public accommodations, education, credit matters)

When a settlement is reached during a non-housing ADR proceeding, a complainant, or their attorney, must return a completed withdrawal form to the ADR attorney within 60 days after the ADR proceeding. Complainants may request additional time from the ADR attorney for good cause, which could include cases involving complex settlements, including settlements with multiple financial payment iterations, or public interest remediation (i.e., training or policy revision).

Cases in which a withdrawal form is not submitted within the above timeframe may be administratively closed, referred back to the Investigator, or given a discovery order, depending on where the complaint is in the MCAD process. Cases that receive an administrative closure because a withdrawal form has not been submitted may be reopened upon request from the complainant, but the decision whether to reopen

will be at the discretion of the Investigating Commissioner and in accordance with the MCAD regulations ([804 CMR 1.00 \(2020\)](#)).

Withdrawal Contact Information

For all questions related to pre-determination withdrawals, please contact the MCAD at MCADwithdrawals@mass.gov.

For all questions related to post determination withdrawals, please contact the Clerk of the Commission, Theresa Lepore at Theresa.lepore@mass.gov.

For all questions related to withdrawals during the ADR process, please contact the MCAD's Director of ADR, Michael Zeytoonian, Michael.zeytoonian@mass.gov.