Department of Health and Human Services

§§ 86.62—86.70 [Reserved]

Subpart F—Procedures [Interim]

§ 86.71 Interim procedures.

For the purposes of implementing this part during the period between its effective date and the final issuance by the Department of a consolidated procedural regulation applicable to title IX and other civil rights authorities administered by the Department, the procedural provisions applicable to title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference. These procedures may be found at 45 CFR 80-6 through 80-11 and 45 CFR Part 81.

(Secs. 901, 902. Education Amendments of 1972, 86 Stat. 373, 374. 20 U.S.C. 1681, 1682)

SUBJECT INDEX TO TITLE IX PREAMBLE AND REGULATION ¹

A
Access to Course Offerings [43, 55, 56, 57, 58]; 86.34
Access to Schools Operated by LEA’s, [44]; 86.35
Admissions, [5, 6, 30]; 86.15, 86.21
Affirmative and remedial action, [16, 17, 24]; 86.3(a), (b)
Administratively separate units, [30]; 86.15(b), 86.2(a)
Educational Institutions, [30], 86.15(d), 86.2(n)
General, 86.21(a), 86.2(p), Prohibitions relating to marital and parental status, [32, 30]; 86.2(c)
Professional schools, [30], 86.2(m)
Public institutions of undergraduate higher education, 86.15(e)
Recruitment, [34, 35]; 86.23
Specific prohibitions, 86.21(b)
Tests, [31]; 86.21(b)(2)
Preference in admission, [35]; 86.22
Advertising, 86.59
Affirmative Action, see “Remedial and Affirmative Actions”
Assistance to “outside” discriminatory organizations, [40, 53]; 86.31(b)(7), (c)
Assurances, [18]; 86.4
Duration of obligation, 86.4(b)
Form, 86.4(c)
Athletics, [69 to 78]; 86.41
Adjustment period, [78]; 86.41(d)
Contact sport defined, 86.41(d)
Equivalent opportunity, [76, 77]; 86.41(d)
Determining factors, 86.41(c)(1) to (x)
Equipment, 86.41(c)

¹Preamble paragraph numbers are in brackets [ ].

Expenditures, 86.41(c)
Facilities, 86.41(c)
Travel, 86.41(c)
Scholarships, [64, 65]; 86.37(d)
General, [69, 70, 71, 72, 73, 74, 75]; 86.41(a)
Separate teams, [75]; 86.41(b)

B
BFOQ, [96]; 86.61

C
Comparable facilities
Housing, [42, 54]; 86.32
Other, 86.33, 86.35(b)
Compensation, [84, 87, 92]; 86.54
Counseling
Disproportionate classes, [45, 59]; 86.36(c)
General, [45, 59]; 86.36(a)
Materials, [45, 59]; 86.36(b)
Course Offerings
Adjustment period, [55]; 86.34(a)(i)
General, [7, 43]; 86.34
Music classes, [43], 86.34(f)
Physical education, [43, 56, 58]; Sex education, [43, 57]; 86.34(e)
Coverage, [5], 86.11 to 86.17
Exemptions
Curricular materials, [52]; 86.42(a)

D
Definitions, [14, 15]; 86.2(a) to (r)
Designation of responsible employee, [20, 22]; 86.8(a), (b)
Dissemination of policy, [21]; 86.9
Distribution, 86.9(c)
Notification of policy, [21]; 86.9(a)
Publications, 86.9(b)
Dress codes 86.31(b)(4)

E
Education Institutions
Controlled by religious organizations, 86.12
Application, [28, 29]; 86.12(a)
Exemption, [26]; 86.12(b)
Education Program and Activities
Benefiting from Federal financial assistance, [10, 11]; 86.11
General, [10, 11, 53]; 86.31(a)
Programs not operated by recipient, [41, 54]; 86.31(c)
Specific prohibitions, [38, 39, 40, 53]; 86.31(b)
Effective Date, [3]
Employee responsible for Title IX, see “Designation of Responsible Employee”
Employment
Advertising, 86.59
Application, 86.51(b)
Compensation, [84, 92]; 86.54
Employment criteria, 86.52
Fringe benefits, [88, 89]; 86.56
General, [81, 82, 87]; 86.51
Job Classification and Structure, 86.55
Marital and Parental Status, 86.57
Pregnancy, [85, 93]; 86.57(b)
Pregnancy as Temporary Disability, [85, 93]; 86.57(c)
Pregnancy Leave, [85, 93, 94]; 86.57(d)

Pre-Employment Inquiry
Recruitment, [83, 90, 91, 95]
Sex as a BFOQ, [96]; 86.61
Student Employment, [66]; 86.38

Tenure, 86.51(b) (2)
Exemptions, [5, 27, 28, 29, 30, 53]; 86.12(b), 86.13, 86.14, 86.15(a), 86.15(d), 86.16

F
Federal Financial Assistance, 86.2(a)
Financial Assistance to students, [46, 60, 61]; 86.37
Athletic Scholarships, [46, 64, 65]; 86.37(d)
Foreign institutions, study at [63]; 86.31(c)
General, 86.37
Non-need scholarships, [62]; 86.37(b)
Pooling of sex-restrictive, [46, 61, 62]; 86.37(b)
Sex-restrictive assistance through foreign or domestic wills [46, 61, 62]; 86.37(b)
Foreign Scholarships, see “Financial assistance”, 86.37 and “Assistance to ‘outside’ discriminatory organizations”; 86.31(c)

Fraternity/Sororities
Social, [53, 27, 28]; 86.14(a)
Business/professional, [40, 53, 27, 28]; 86.31(b) (7)
Honorary societies, [40, 53]; 86.31(b) (7)
Fringe benefits, [67, 68, 69]; 86.56; 86.39
Part-time employees, [89]

G
Grievance Procedure, see “Designation of responsible employee”, 86.6(a) (b)

H
Health and Insurance Benefits and Services, [67, 88, 93]; 86.39, 86.56
Honorary societies, [40, 53]; 86.31(b) (7)
Housing, 86.32
Generally, [42]; 86.32(b)
Provided by recipient, 86.32(b)
Other housing, [54]; 86.32(c)

J
Job Classification and Structure, 86.55

L
LEA’s, [44]; 86.35

M
Marital and Parental Status
Employment
General, [85, 93, 94]; 86.57
Pregnancy, [85, 93, 94]; 86.57(b)
Pregnancy as a temporary disability, [85, 93, 94]; 86.57(c)
Pregnancy leave, [85, 93, 94]; 86.57(d)
Students
General, [49]; 86.40(a) (b)
Pregnancy and related conditions, [50]; 86.40(b) (1) (2) (3) (4) (5)

45 CFR Subtitle A (10–1–99 Edition)

Class participation, [50]; 86.40(b) (1)
Physician certification, [50]; 86.40(b) (2)
Special classes, [50]; 86.40(b) (3)
Temporary leave, [50]; 86.40(b) (4) (5)
Membership Practices of Social fraternities and sororities, [27, 28, 53]; 86.14(a)
Voluntary youth service organizations, [27, 28, 53]; 86.14(c)
YMCA, YWCA and others, [27, 28, 53]; 86.14(b)

Military and Merchant Marine Educational Institutions, [29]; 86.13

P
Pooling, see “Financial Assistance”; 86.37
Pre-employment Inquiries
Marital status, [86, 95]; 86.60(a)
Sex, 86.60(b)
Preference in Admissions, [35]; 86.22
See also “Remedial and Affirmative Action”
Pregnancy, Employment
General, [85, 93, 94]; 86.57
Pregnancy, [85, 93, 94]; 86.57(b)
Pregnancy as temporary disability, [85, 93, 94]; 86.57(c)
Pregnancy leave, [85, 93, 94]; 86.57(d)
Students
General, [40, 50]; 86.40(a) and (b)
Pregnancy and related conditions; [50]; 86.40(b) (1) to (5)
Class Participation, [50, 55, 58]; 86.40(b) (1)
Physical certification, [50]; 86.40(b) (2)
Special class, [50]; 86.40(b) (3)
Temporary leave, [50]; 86.40(b) (4), (5)
Private Undergraduate Professional Schools, [30]; 86.15(d)

Purpose of Regulation, [13]; 86.1

R
Real Property, 86.2(g)
Recruitment
Employment
Non-discrimination, [83, 91]; 86.53(a)
Patterns, 86.53(b)
Student
Non-discrimination, [34, 35]; 86.23(a)
Recruitment at certain institutions, 86.23 (b)
Religious Organizations
Application, [29, 28]; 86.12(a)
Exemption, [26]; 86.12(b)
Remedial and Affirmative Actions, [16, 17, 24]; 86.3

S
Scholarships, see “Financial Assistance”; 86.37
Self-evaluation, [16, 22]; 86.3(c) (d)
Surplus Property (see Transfer of Property 86.5)
Duration of obligation 86.4(b)
Real Property 86.4(b) (1)
PART 90—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

§ 90.1 What is the purpose of the Age Discrimination Act of 1975?

The Age Discrimination Act of 1975, as amended, is designed to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also permits federally assisted programs and activities, and recipients of Federal funds, to continue to use certain age distinctions and factors other than age which meet the requirements of the Act and these regulations.

§ 90.2 What is the purpose of these regulations?

(a) The purpose of these regulations is to state general, government-wide rules for the implementation of the Age Discrimination Act of 1975, as amended, and to guide each agency in the preparation of agency-specific age discrimination regulations.