

(i) The novelty of the case with respect to the facts, the statute being enforced, and the application of the statute to the facts;

(ii) The importance of the case in light of the nature and seriousness of the offense charged;

(iii) The defendant's history of criminal activity, the potential penalty upon conviction, and the purposes to be served by prosecution, including punishment, deterrence, rehabilitation, and incapacitation;

(iv) The factual and legal complexity of the case and the amount and nature of the evidence to be presented;

(v) The desirability of prompt disposition of the case; and

(vi) The experience and qualifications of the magistrate judge, and the possibility of the magistrate judge's actual or apparent bias or conflict of interest.

(2) The attorney for the government shall consult with the Assistant Attorney General having supervisory authority over the subject matter in determining whether to petition for trial before a district judge in a case involving a violation of 2 U.S.C. 192, 441j(a); 18 U.S.C. 210, 211, 242, 245, 594, 597, 599, 600, 601, 1304, 1504, 1508, 1509, 2234, 2235, 2236; or 42 U.S.C. 3631.

(3) In a case in which the government petitions for trial before a district judge, the attorney for the government shall forward a copy of the petition to the Assistant Attorney General having supervisory authority over the subject matter and, if the petition is denied, shall promptly notify the Assistant Attorney General.

(5 U.S.C. 301, 18 U.S.C. 3401(f))

[Order No. 903-80, 45 FR 50564, July 30, 1980, as amended by Order No. 2012-96, 61 FR 8473, Mar. 5, 1996]

PART 54—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—Introduction

- Sec.
- 54.100 Purpose and effective date.
- 54.105 Definitions.
- 54.110 Remedial and affirmative action and self-evaluation.

- 54.115 Assurance required.
- 54.120 Transfers of property.
- 54.125 Effect of other requirements.
- 54.130 Effect of employment opportunities.
- 54.135 Designation of responsible employee and adoption of grievance procedures.
- 54.140 Dissemination of policy.

Subpart B—Coverage

- 54.200 Application.
- 54.205 Educational institutions and other entities controlled by religious organizations.
- 54.210 Military and merchant marine educational institutions.
- 54.215 Membership practices of certain organizations.
- 54.220 Admissions.
- 54.225 Educational institutions eligible to submit transition plans.
- 54.230 Transition plans.
- 54.235 Statutory amendments.

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

- 54.300 Admission.
- 54.305 Preference in admission.
- 54.310 Recruitment.

Subpart D—Discrimination on the Basis of Sex in Education Programs or Activities Prohibited

- 54.400 Education programs or activities.
- 54.405 Housing.
- 54.410 Comparable facilities.
- 54.415 Access to course offerings.
- 54.420 Access to schools operated by LEAs.
- 54.425 Counseling and use of appraisal and counseling materials.
- 54.430 Financial assistance.
- 54.435 Employment assistance to students.
- 54.440 Health and insurance benefits and services.
- 54.445 Marital or parental status.
- 54.450 Athletics.
- 54.455 Textbooks and curricular material.

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs or Activities Prohibited

- 54.500 Employment.
- 54.505 Employment criteria.
- 54.510 Recruitment.
- 54.515 Compensation.
- 54.520 Job classification and structure.
- 54.525 Fringe benefits.
- 54.530 Marital or parental status.
- 54.535 Effect of state or local law or other requirements.
- 54.540 Advertising.
- 54.545 Pre-employment inquiries.

§ 54.100

54.550 Sex as a bona fide occupational qualification.

Subpart F—Procedures

54.600 Notice of covered programs.

54.605 Enforcement procedures.

AUTHORITY: 20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688.

SOURCE: Order No. 2320-2000, 65 FR 52865, 52880, Aug. 30, 2000, unless otherwise noted.

Subpart A—Introduction

§ 54.100 Purpose and effective date.

The purpose of these Title IX regulations is to effectuate Title IX of the Education Amendments of 1972, as amended (except sections 904 and 906 of those Amendments) (20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688), which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in these Title IX regulations. The effective date of these Title IX regulations shall be September 29, 2000.

§ 54.105 Definitions.

As used in these Title IX regulations, the term:

Administratively separate unit means a school, department, or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution.

Admission means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by a recipient.

Applicant means one who submits an application, request, or plan required to be approved by an official of the Federal agency that awards Federal financial assistance, or by a recipient, as a condition to becoming a recipient.

Designated agency official means the Assistant Attorney General, Civil Rights Division.

Educational institution means a local educational agency (LEA) as defined by

28 CFR Ch. I (7-1-03 Edition)

20 U.S.C. 8801(18), a preschool, a private elementary or secondary school, or an applicant or recipient that is an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education, as defined in this section.

Federal financial assistance means any of the following, when authorized or extended under a law administered by the Federal agency that awards such assistance:

(1) A grant or loan of Federal financial assistance, including funds made available for:

(i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

(ii) Scholarships, loans, grants, wages, or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

(2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.

(3) Provision of the services of Federal personnel.

(4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.

(5) Any other contract, agreement, or arrangement that has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

Institution of graduate higher education means an institution that:

(1) Offers academic study beyond the bachelor of arts or bachelor of science degree, whether or not leading to a certificate of any higher degree in the liberal arts and sciences;