§ 54.400 Education programs or activities prohibited

(a) General. Except as provided elsewhere in these Title IX regulations, no person shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient that receives Federal financial assistance. Sections 54.400 through 54.455 do not apply to actions of a recipient in connection with admission of its students to an education program or activity of a recipient to which §§ 54.300 through 54.310 do not apply, or an entity, not a recipient, to which §§ 54.300 through 54.310 would not apply if the entity were a recipient.

(b) Specific prohibitions. Except as provided in §§ 54.400 through 54.455, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person any such aid, benefit, or service;

(4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(5) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;

(6) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person that discriminates on the basis of sex in providing any aid, benefit, or service to students or employees;

(7) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(c) Assistance administered by a recipient educational institution to study at a foreign institution. A recipient educational institution may administer or assist in the administration of scholarships, fellowships, or other awards established by foreign or domestic wills, trusts, or similar legal instruments, or by acts of foreign governments and restricted to members of one sex, that are designed to provide opportunities to study abroad, and that are awarded to students who are already matriculating at or who are graduates of the recipient institution; Provided, that a recipient educational institution that administers or assists in the administration of such scholarships, fellowships, or other awards that are restricted to members of one sex provides, or otherwise makes available, reasonable opportunities for similar studies for members of the other sex. Such opportunities may be derived from either domestic or foreign sources.

(d) Aids, benefits or services not provided by recipient. (1) This paragraph (d) applies to any recipient that requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or that facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student-teaching assignments.

(2) Such recipient:

(i) Shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student, or employee of such recipient that
these Title IX regulations would prohibi
such recipient from taking; and
(ii) Shall not facilitate, require, per
mit, or consider such participation if
such action occurs.

§ 54.405 Housing.

(a) Generally. A recipient shall not,
on the basis of sex, apply different
rules or regulations, impose different
fees or requirements, or offer different
services or benefits related to housing,
except as provided in this section (in
cluding housing provided only to mar-
ried students).

(b) Housing provided by recipient. (1) A
recipient may provide separate housing
on the basis of sex.

(2) Housing provided by a recipient to
students of one sex, when compared to
that provided to students of the other
sex, shall be as a whole:
(i) Proportionate in quantity to the
number of students of that sex apply-
ning for such housing; and
(ii) Comparable in quality and cost to
the student.

(c) Other housing. (1) A recipient shall
not, on the basis of sex, administer dif-
gerent policies or practices concerning
occupancy by its students of housing
other than that provided by such re-
cipient.

(2)(i) A recipient which, through so-
llicitation, listing, approval of housing,
or otherwise, assists any agency, orga-
nization, or person in making housing
available to any of its students, shall
take such reasonable action as may be
necessary to assure itself that such
housing as is provided to students of
one sex, when compared to that pro-
vided to students of the other sex, is as
a whole:
(A) Proportionate in quantity; and
(B) Comparable in quality and cost to
the student.

(ii) A recipient may render such as-
sistance to any agency, organization,
or person that provides all or part of
such housing to students of only one
sex.

§ 54.410 Comparable facilities.

A recipient may provide separate toi-
let, locker room, and shower facilities
on the basis of sex, but such facilities
provided for students of one sex shall
be comparable to such facilities pro-
vided for students of the other sex.

§ 54.415 Access to course offerings.

(a) A recipient shall not provide any
course or otherwise carry out any of its
education program or activity sepa-
rately on the basis of sex, or require or
refuse participation therein by any of
its students on such basis, including
health, physical education, industrial,
business, vocational, technical, home
economics, music, and adult education
courses.

(b)(1) With respect to classes and ac-
tivities in physical education at the el-
ementary school level, the recipient
shall comply fully with this section as
expeditiously as possible but in no
event later than one year from Sep-
tember 29, 2000. With respect to phys-
ical education classes and activities at
the secondary and post-secondary lev-
els, the recipient shall comply fully
with this section as expeditiously as
possible but in no event later than
three years from September 29, 2000.

(2) This section does not prohibit
grouping of students in physical edu-
cation classes and activities by ability
as assessed by objective standards of
individual performance developed and
applied without regard to sex.

(3) This section does not prohibit sep-
aration of students by sex within phys-
ical education classes or activities dur-
ing participation in wrestling, boxing,
rugby, ice hockey, football, basketball,
and other sports the purpose or major
activity of which involves bodily con-
tact.

(4) Where use of a single standard of
measuring skill or progress in a phys-
ic education class has an adverse ef-
effect on members of one sex, the recipi-
ent shall use appropriate standards
that do not have such effect.

(5) Portions of classes in elementary
and secondary schools, or portions of
education programs or activities, that
deal exclusively with human sexuality
may be conducted in separate sessions
for boys and girls.

(6) Recipients may make require-
ments based on vocal range or quality
that may result in a chorus or choruses
of one or predominantly one sex.