

**Handout 9**  
*Other Title IX Regulations*

The Title IX regulations in *italics* are exact quotes. The rest is paraphrased.

**Title IX Regulations (34 C.F.R.)**

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

**§ 106.21 Admission.** No person shall be denied admission or be subjected to discrimination in admission on the basis of sex.

**§ 106.23 Recruitment.** A recipient shall not discriminate on the basis of sex in the recruitment and admission of students.

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

**§ 106.31 Education programs or activities.**

(a) General. *Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, 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 which receives Federal financial assistance....*

(b) Specific prohibitions. *Except as provided in this subpart, 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 which 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.*

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**§ 106.32 Housing.** *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....*

**§ 106.33 Comparable facilities.** *A recipient may provide separate toilet, 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 provided for students of the other sex.*

**§ 106.34 Access to classes and schools.** A recipient shall not provide or carry out any educational programs or activities or require or refuse participation of its students on the basis of sex, except for, among other things contact sports and human sexuality classes. A recipient may provide single-sex classes or extracurricular activities provided that the single-sex nature of the class or activity is substantially related to achieving an important objective such as improving educational achievement, the objective is implemented in an evenhanded manner, the student enrollment is voluntary, and the recipient provides a substantially equal coeducational class to all other students, including students of the excluded sex. A school that excludes students from admission on the basis of sex must provide students of the excluded sex a substantially equal single-sex school or coeducational school.

**106.35 Access to institutions of vocational education.** *A recipient shall not, on the basis of sex, exclude any person from admission to any institution of vocational education operated by that recipient.*

**§ 106.36 Counseling and use of appraisal and counseling materials.** A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission. A recipient shall not use different materials on the basis of their sex in appraising or counseling students unless such materials cover the same occupations and interest areas. A recipient shall assure itself that classes that contain a disproportionate number of individuals of one sex are not the result of the counselor's sex discrimination.

**§ 106.37 Financial assistance.** A recipient cannot provide different amount or types of financial aid to its students on the basis of sex. If a recipient provides athletic scholarships, it must provide reasonable opportunities for such awards for members of each sex proportionate to the number of the number of student athletes of each sex participating in athletics.

**§ 106.38 Employment assistance to students.**

*(a) Assistance by recipient in making available outside employment. A recipient which assists any agency, organization or person in making employment available to any of its students:*

*(1) Shall assure itself that such employment is made available without discrimination on the basis of sex; and*

*(2) Shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.*

*(b) Employment of students by recipients. A recipient which employs any of its students shall not do so in a manner which violates subpart E of this part.*

**§ 106.39 Health and insurance benefits and services** A recipient cannot discriminate on the basis of sex in providing medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students.

**§ 106.43 Standards for measuring skills or progress in physical education classes** Standards for measuring skill or progress in physical education classes can not have an adverse effect on members of one sex.