

Office for Civil Rights, Education

(b) *Sex*. A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

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

§106.61 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

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

Subpart F—Procedures [Interim]

§106.71 Procedures.

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 34 CFR 100.6-100.11 and 34 CFR, part 101.

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

Subject Index

SUBJECT INDEX TO TITLE IX PREAMBLE AND REGULATION¹

A

- Access to Course Offerings [43, 55, 56, 57, 58]; 106.34
- Access to Schools Operated by LEA's, [44]; 106.35
- Admissions, [5, 6, 30]; 106.15, 106.21
- Affirmative and remedial action, [16, 17, 24]; 106.3(a); (b)
- Administratively separate units, [30]; 106.15(b) 106.2(o)
- Educational Institutions, [30], 106.15(d), 106.2(n)
- General, 106.21(a), 106.2(p).
- Prohibitions relating to marital and parental status, [32, 36]; 106.21(c)
- Professional schools, [30], 106.2(m)
- Public institutions of undergraduate higher education, 106.15(e)
- Recruitment, [34, 35]; 106.23
- Specific prohibitions, 106.21(b)
- Tests, [31]; 106.21(b) (2)
- Preference in admission, [35]; 106.22
- Advertising, 106.59
- Affirmative Action, see "Remedial and Affirmative Actions"
- Assistance to "outside" discriminatory organizations, [40, 53]; 106.31(b) (7), (c)
- Assurances, [18]; 106.4
- Duration of obligation, 106.4(b)
- Form, 106.4(c)
- Athletics, [69 to 78]; 106.41
- Adjustment period, [78]; 106.41(d)
- Contact sport defined, 106.41(d)
- Equal opportunity, [76, 77]; 106.41(d)
- Determining factors, 106.41(c) (i) to (x)
- Equipment, 106.41(c)
- Expenditures, 106.41(c)
- Facilities, 106.41(c)
- Travel, 106.41(c)
- Scholarships, [64, 65]; 106.37(d)
- General, [69, 70, 71, 72, 73, 74, 75]; 106.41(a)
- Separate teams, [75]; 106.41(b)

B

- BFOQ, [96]; 106.61

C

- Comparable facilities
 - Housing, [42, 54]; 106.32
 - Other, 106.33, 106.35(b)
- Compensation, [84, 87, 92]; 106.54
- Counseling
 - Disproportionate classes, [45, 59]; 106.36(c)
 - General, [45, 59]; 106.36(a)
 - Materials, [45, 59]; 106.36(b)
- Course Offerings
 - Adjustment period, [55]; 106.34(a) (i)
 - General, [7, 43]; 106.34
 - Music classes, [43]; 106.34(f)

¹Preamble paragraph numbers are in brackets [].