employment, or recruitment, consider-
ation, or selection therefor, whether
full-time or part-time, under any edu-
cation program or activity operated by
a recipient that receives Federal finan-
cial assistance.

(2) A recipient shall make all em-
ployment decisions in any education
program or activity operated by such
recipient in a nondiscriminatory man-
ner and shall not limit, segregate, or
classify applicants or employees in any
way that could adversely affect any ap-
plicant’s or employee’s employment
opportunities or status because of sex.

(3) A recipient shall not enter into
any contractual or other relationship
which directly or indirectly has the ef-
faction of subjecting employees or stu-
dents to discrimination prohibited by
§§8a.500 through 8a.550, including rela-
tionships with employment and refer-
eral agencies, with labor unions, and
with organizations providing or admin-
istering fringe benefits to employees of
the recipient.

(4) A recipient shall not grant pref-
ereces to applicants for employment
on the basis of attendance at any edu-
cational institution or entity that ad-
mits as students only or predominantly
members of one sex, if the giving of
such preferences has the effect of dis-
criminating on the basis of sex in viola-
tion of these Title IX regulations.

(b) Application. The provisions of
§§8a.500 through 8a.550 apply to:

(1) Recruitment, advertising, and the
process of application for employment;

(2) Hiring, upgrading, promotion,
consideration for and award of tenure,
demotion, transfer, layoff, termina-
tion, application of nepotism poli-
cies, right of return from layoff, and
rehiring;

(3) Rates of pay or any other form of
compensation, and changes in com-
ensation;

(4) Job assignments, classifications,
and structure, including position de-
scriptions, lines of progression, and se-
niority lists;

(5) The terms of any collective bar-
gaining agreement;

(6) Granting and return from leaves
of absence, leave for pregnancy, child-
birth, false pregnancy, termination of
pregnancy, leave for persons of either
sex to care for children or dependents,
or any other leave;

(7) Fringe benefits available by vir-
tue of employment, whether or not ad-
ministered by the recipient;

(8) Selection and financial support
for training, including apprenticeship,
professional meetings, conferences, and
other related activities, selection for
tuition assistance, selection for
sabbaticals and leaves of absence to
pursue training;

(9) Employer-sponsored activities, in-
cluding social or recreational pro-
grams; and

(10) Any other term, condition, or
privilege of employment.

§8a.505 Employment criteria.

A recipient shall not administer or
operate any test or other criterion for
any employment opportunity that has
a disproportionately adverse effect on
persons on the basis of sex unless:

(a) Use of such test or other criterion
is shown to predict validly successful
performance in the position in ques-
tion; and

(b) Alternative tests or criteria for
such purpose, which do not have such
disproportionately adverse effect, are
shown to be unavailable.

§8a.510 Recruitment.

(a) Nondiscriminatory recruitment and
hiring. A recipient shall not discrimi-
nate on the basis of sex in the recruit-
ment and hiring of employees. Where a
recipient has been found to be pres-
ently discriminating on the basis of sex
in the recruitment or hiring of employ-
ees, or has been found to have so dis-
criminated in the past, the recipient
shall recruit members of the sex so dis-
criminated against so as to overcome
the effects of such past or present dis-
crimination.

(b) Recruitment patterns. A recipient
shall not recruit primarily or exclu-
sively at entities that furnish as appli-
cants only or predominantly members
of one sex if such actions have the ef-
faction of discriminating on the basis of
sex in violation of §§8a.500 through
8a.550.