services, assist any foundation, trust, agency, organization, or person that
provides assistance to any of such recipient’s students in a manner that dis-
criminates on the basis of sex; or
(3) Apply any rule or assist in appli-
cation of any rule concerning eligi-
bility for such assistance that treats
persons of one sex differently from per-
sons of the other sex with regard to
marital or parental status.
(b) Financial aid established by certain
legal instruments. (1) A recipient may
administer or assist in the administra-
tion of scholarships, fellowships, or
other forms of financial assistance es-
tablished pursuant to domestic or for-
eign wills, trusts, bequests, or similar
legal instruments or by acts of a for-
eign government that require that
awards be made to members of a par-
ticular sex specified therein; Provided,
that the overall effect of the award of
such sex-restricted scholarships, fel-
lowships, and other forms of financial
assistance does not discriminate on the
basis of sex.
(2) To ensure nondiscriminatory
awards of assistance as required in
paragraph (b)(1) of this section, recipi-
ents shall develop and use procedures
under which:
(i) Students are selected for award of
financial assistance on the basis of
nondiscriminatory criteria and not on
the basis of availability of funds re-
stricted to members of a particular sex;
(ii) An appropriate sex-restricted
scholarship, fellowship, or other form
of financial assistance is allocated to
each student selected under paragraph
(b)(2)(i) of this section; and
(iii) No student is denied the award
for which he or she was selected under
paragraph (b)(2)(i) of this section be-
cause of the absence of a scholarship,
fellowship, or other form of financial
assistance designated for a member of
that student’s sex.
(c) Athletic scholarships. (1) To the ex-
tent that a recipient awards athletic
scholarships or grants-in-aid, it must
provide reasonable opportunities for
such awards for members of each sex in
proportion to the number of students of
each sex participating in inter-
scholastic or intercollegiate athletics.
(2) A recipient may provide separate
athletic scholarships or grants-in-aid
for members of each sex as part of sepa-
rate athletic teams for members of
each sex to the extent consistent with
this paragraph (c) and § 618.450.

§ 618.435 Employment assistance to
students.

(a) Assistance by recipient in making
available outside employment. A recipi-
ent that assists any agency, organiza-
tion, or person in making employment
available to any of its students:
(1) Shall assure itself that such em-
ployment is made available without
discrimination on the basis of sex; and
(2) Shall not render such services to
any agency, organization, or person
that discriminates on the basis of sex
in its employment practices.
(b) Employment of students by recipi-
ents. A recipient that employs any of
its students shall not do so in a manner
that violates §§ 618.500 through 618.550.

§ 618.440 Health and insurance bene-
fits and services.

Subject to § 618.235(d), in providing a
medical, hospital, accident, or life in-
surance benefit, service, policy, or plan
to any of its students, a recipient shall
not discriminate on the basis of sex, or
provide such benefit, service, policy, or
plan in a manner that would violate
§§ 618.500 through 618.550 if it were pro-
vided to employees of the recipient.
This section shall not prohibit a recipi-
ent from providing any benefit or serv-
ice that may be used by a different pro-
portion of students of one sex than of
the other, including family planning
services. However, any recipient that
provides full coverage health service
shall provide gynecological care.

§ 618.445 Marital or parental status.

(a) Status generally. A recipient shall
not apply any rule concerning a stu-
dent’s actual or potential parental,
family, or marital status that treats
students differently on the basis of sex.
(b) Pregnancy and related conditions.
(1) A recipient shall not discriminate
against any student, or exclude any
student from its education program or
activity, including any class or extra-
curricular activity, on the basis of such
student’s pregnancy, childbirth, false
pregnancy, termination of pregnancy,