



2022 Title IX Notice of Proposed Rulemaking (NPRM)
Table of Contents Guide

Section Number	Section Name	Page #
Section 106.1	Purpose and Effective Date	35
Section 106.2	Definitions	36
Section 106.6	Effect of Other Requirements and Preservation of Rights	53
Section 106.8	Designation of Coordinator, Adoption of Publication of Nondiscrimination Policy and Grievance Procedures, Notice of Nondiscrimination, Training, and Recordkeeping	127
Section 106.10	Scope	519
Section 106.11	Application	41
Section 106.21	Admissions	464
<i>106.21(a)</i>	Admissions-Status Generally	464
<i>106.21(c)</i>	Admissions-Parental, family, or marital status; pregnancy or related conditions	464
Section 106.31	Educational Programs and Activities	529
Section 106.40	Parental, Family, or Marital Status; Pregnancy or Related Conditions	450
<i>106.40(a)</i>	Status Generally	469
<i>106.40(b)</i>	Pregnancy or Related Conditions	470
<i>106.40(b)(1)</i>	Pregnancy or related conditions-nondiscrimination	470
<i>106.40(b)(2)</i>	Pregnancy or related conditions - requirement for recipient to provide information	472

Section Number	Section Name	Page #
<i>106.40(b)(3)</i>	Pregnancy or related conditions - specific actions to prevent discrimination and ensure equal access	476
<i>106.40(b)(4)</i>	Pregnancy or related conditions – reasonable modifications for students because of pregnancy or related conditions	486
<i>106.40(b)(5)</i>	Pregnancy or related conditions – comparable treatment to temporary disabilities or conditions	494
<i>106.40.(b)(6)</i>	Pregnancy or related conditions - certification to participate	495
Section 106.41	Athletics	541
Section 106.44	Action by a Recipient to Operate its Education Program or Activity Free from Sex Discrimination	156
<i>106.44(a)</i>	General	156
<i>106.44(b)</i>	Monitoring	167
<i>106.44(c)</i>	Notification Requirements	172
<i>106.44(c)(1)</i>	Elementary Schools or Secondary Schools	176
<i>106.44(c)(2)</i>	Recipients Other than Elementary Schools and Secondary Schools	177
	Employee with the authority to institute corrective measures	183
	Employee with responsibility for administrative leadership, teaching, or advising	184
<i>106.44(c)(3)</i>	Student Employees	187
<i>106.44(c)(4)</i>	Employee Complainants	188
<i>106.44(d)</i>	Confidential Employees	189
<i>106.44(e)</i>	Public Awareness Events	195
<i>106.44(f)</i>	Title IX Coordinator Requirements	199
<i>106.44(g)</i>	Supportive Measures	212

Section Number	Section Name	Page #
<i>106.44(h)</i>	Emergency Removal	227
<i>106.44(i)</i>	Administrative Leave	229
<i>106.44(j)</i>	Recipient Prohibition	230
<i>106.44(k)</i>	Informal Resolution Process	234
Section 106.45	Grievance Procedures for the Prompt and Equitable Resolution of Complaints of Sex Discrimination	243
<i>106.45(a)</i>	Discrimination on the Basis of Sex	270
<i>106.45(a)(1)</i>	General	272
<i>106.45(a)(2)</i>	Complaint	273
<i>106.45(b)</i>	Basic Requirement for Grievance Procedures	278
<i>106.45(b)(1)</i>	Treat Complainants and Respondents Equitably	278
<i>106.45(b)(2)</i>	Conflicts of Interest/Bias	280
<i>106.45(b)(3)</i>	Presumption that the respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance procedures	286
<i>106.45(b)(4)</i>	Timeframes	286
<i>106.45(b)(5)</i>	Reasonable Limitations on Sharing of Information	290
<i>106.45(b)(6)</i>	Objective Evaluation of All Relevant Evidence	295
<i>106.45(b)(7)</i>	Exclusion of Impermissible Evidence	295
<i>106.45(c)</i>	Notice of Allegations	304
<i>106.45(d)</i>	Dismissal of a Complaint	309
<i>106.45(d)(2)</i>	Notification of Dismissal	325
<i>106.45(d)(3)</i>	Appeal of Dismissal	326
<i>106.45(e)</i>	Consolidation of Complaints	326
<i>106.45(f)</i>	Complaint Investigation	330
<i>106.45(f)(1)</i>	Investigative Burden on Recipients	330

Section Number	Section Name	Page #
<i>106.45(f)(2)</i>	Opportunity to Present Relevant Witnesses and Other Evidence	332
<i>106.45(f)(3)</i>	Review and Determination of Relevant Evidence	335
<i>106.45(f)(4)</i>	Description of Evidence	336
<i>106.45(g)</i>	Evaluating Allegations and Assessing Credibility	339
<i>106.45(h)</i>	Determination of Whether Sex Discrimination Has Occurred	341
<i>106.45(h)(1)</i>	Standard of proof	343
<i>106.45(h)(2)</i>	Notification of outcome of complaint	358
<i>106.45(h)(3)</i>	Remedies to a complainant and other appropriate prompt and effective steps	364
<i>106.45(h)(4)</i>	Comply with this section before imposition of disciplinary sanctions	366
<i>106.45(h)(5)</i>	Prohibition on discipline based solely on determination	366
	False Statements	368
	Consensual Sexual Activity	369
<i>106.45(i)</i>	Additional Provisions	371
<i>106.45(j)</i>	Informal Resolution	373
<i>106.45(k)</i>	Range of Supportive Measures and Disciplinary Sanctions and Remedies	374
Section 106.46	Grievance Procedures for the Prompt and Equitable Resolution of Complaints of Sex-Based Harassment Involving Student Complainant or Student Respondent at Postsecondary Institutions	377
<i>106.46(a)</i>	General	378
<i>106.46(b)</i>	Student-Employees	379
<i>106.46(c)</i>	Written Notice of Allegations	380
<i>106.46(d)</i>	Dismissal of a Complaint	386

Section Number	Section Name	Page #
<i>106.46(e)</i>	Complaint Investigation	388
<i>106.46(e)(1)</i>	Notice in advance of meetings	388
<i>106.46(e)(2)</i>	Role of Advisor	390
<i>106.46(e)(3)</i>	Individuals Present at Proceedings	393
<i>106.46(e)(4)</i>	Expert Witness	394
<i>106.46(e)(5)</i>	Timeframes	396
<i>106.46(e)(6)</i>	Access to Relevant and Not Otherwise Impermissible Evidence	397
<i>106.46(f)</i>	Evaluating Allegations and Assessing Credibility	410
<i>106.46(g)</i>	Live Hearings	410
<i>106.46(h)</i>	Determination of Whether Sex-based Harassment Has Occurred	442
<i>106.46(i)</i>	Appeals	445
<i>106.46(j)</i>	Informal Resolution	448
Section 106.47	Assistant Secretary Review of Sex-Based Harassment Complaints	449
Section 106.51	Employment	499
Section 106.57	Parental, Family, or Marital Status; Pregnancy or Related Conditions	450/499
<i>106.57(a)(1)</i>	General	500
<i>106.57(b)</i>	Pregnancy or related conditions	501
<i>106.57(c)</i>	Comparable treatment to temporary disabilities or conditions	502
<i>106.57(d)</i>	Pregnancy leave	503
<i>106.57(e)</i>	Lactation time and space	504
Section 106.60	Pre-Employment Inquiries	507
Section 106.71	Retaliation	545

Section Number	Section Name	Page #
Section 106.81	Procedures	57
	Regulatory Impact Analysis	568
	Proposed Regulations	651