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| <b>Policies of the University of North Texas</b>       | Chapter 5              |
| <b>1.3.20 HIV/AIDS Education and Prevention Policy</b> | <b>Human Resources</b> |

**Policy Statement.** To educate the University of North Texas community on the prevention and spread of the human immune deficiency virus (HIV) and of acquired immune deficiency syndrome (AIDS) on the University campus; protect employment rights and privileges of individuals infected with HIV/AIDS; and provide a safe educational and working environment.

**Application of Policy.**

Total University

**Definitions.**

1. **AIDS.** AIDS means acquired immune deficiency syndrome as defined by the Centers for Disease Control of the United States Public Health Service. This disease is caused by the human immunodeficiency virus. AIDS is characterized by the loss of an individual's natural immunity against disease. Loss of the immune response makes an individual vulnerable to diseases that normally would not be life threatening. These diseases are caused by opportunistic organisms and can be fatal to individuals with AIDS. It is possible to test positive for HIV but not have AIDS. These patients have antibodies against HIV that demonstrate they have been exposed to the virus but do not present symptoms that characterize AIDS.

**Procedures and Responsibilities.**

**1. Policy.**

The University of North Texas is concerned about the increasing incidence of HIV/AIDS throughout the United States and elsewhere. It is important that the University community understand and be prepared to respond to this medical condition. Every effort needs to be made to protect the rights and ensure the well-being of those individuals infected with HIV / AIDS, and to educate and safeguard the community as a whole. This policy has been developed to provide a legal, fair and equitable method of responding to the occurrence of HIV/AIDS in the University community. Use of an individual's HIV/AIDS status to decide employment status, admission, enrollment, or service delivery, unless authorized by federal or state law or regulation, is prohibited.

## 2. General.

- 2.1. **Education:** Since prevention is currently the primary method of limiting the spread or occurrence of HIV/AIDS, the University will direct its major efforts towards educating the University community regarding the cause, modes of transmission and prevention of HIV/AIDS infection, as well as the current laws and regulations relating to HIV/AIDS. The University, through the Student Health and Wellness Center, will provide advice, educational programs, individual counseling and referrals to any student or University employee desiring direction or assistance in dealing with an HIV/AIDS related question or problem. These educational programs will comply with federal and state law. To assist with education of students, the Vice President for Student Development and the Director of Housing and Residence Life will cooperate with the Student Health and Wellness Center in developing an information-sharing network to inform all students about the dangers of HIV/AIDS and related educational information. The Vice President and Director will work with the Student Health and Wellness Center to identify protective measures to reduce the risk of HIV/AIDS and obtain other pertinent medical information necessary for this educational program.

To assist with education of employees, the Human Resources Department , on behalf of staff , and the Provost's Office , on behalf of faculty , will cooperate with the Student Health and Wellness Center in developing an information-sharing network to inform all employees about the dangers of HIV/AIDS and related educational information. The Human Resources Department and Provost Office will work with the Student Health and Wellness Center to identify protective measures to reduce the risk of HIV/AIDS and obtain other pertinent medical information necessary for this educational program.

- 2.2. **Safety Precautions:** Medical evidence indicates that people with HIV/AIDS pose no risk of transmitting the virus to others through casual and interpersonal contact. Research identifies transmission through blood, semen, vaginal secretions, birth and breast milk. Any student or employee who may come in contact with blood or other body fluids should take the necessary health precautions to protect against transmission. Guidelines for prevention of transmission of the HIV / AIDS infection in athletics and intramural sports, in housekeeping, in food service, in teaching laboratories (e.g. biological sciences), in instructional situations (e.g. cardiopulmonary resuscitation classes), in health care settings, and other areas where the possibility of exposure may exist will be the primary responsibility of the department chairs or unit heads in these respective areas. Guidelines, including standards for the safe handling of blood and body fluids in each of the above settings, will be in accordance with recommendations from the Centers for Disease Control of the Public Health Service. No student or employee shall be required to obtain or process the blood

of others without the department following safety procedures in accordance with this policy.

2.3. **Students and Employees Rights:** The University recognizes that students or employees who have HIV/AIDS have the ability to continue in their normal academic and/or work activities as long as their physical condition allows them to do so. No difference in treatment shall be accorded these individuals so long as they are able to meet established academic standards for the program, or perform the essential functions of the job and so long as medical evidence, as initially reviewed by the Associate Director, Clinical Services of the Student Health and Wellness Center, indicates that their condition is not a threat to themselves or to others. Students and employees have the following legal rights:

a. **Confidentiality of Information:** The University will comply with federal and state laws, regulations, and policies that protect the confidentiality of medical and educational records and with requirements for the reporting of certain test results or medical conditions to appropriate health authorities and others legally authorized to receive the information. Persons who are living with HIV/AIDS are not required to reveal their HIV/AIDS status to the University, however, they are urged to share this information on a confidential basis with the Student Health and Wellness Center (students) or the local health agencies (employees) so that appropriate health and educational needs may be met. Health information about a student or an employee is personal and confidential and will be treated as such. Neither the University nor any student or employee, except as provided by law, shall disclose to anyone the identity of a person with HIV/AIDS without the person's prior written consent. University employees with access to confidential information must maintain strict confidentiality and privacy, separating this information from personnel or student records. Individuals who fail to protect these employee and student rights commit a serious offense and are subject to disciplinary action including termination as well as both criminal and civil penalties. The number of people in the institution who are aware of the existence and/or identity of a student or employee who has HIV/AIDS should be kept to an absolute minimum, both to protect the confidentiality and privacy of the infected person and to avoid the generation of unnecessary fear and anxiety among students and employees.

b. **Admission and Hiring:** The existence of HIV/AIDS will not be part of the initial student admission decision for those applying to the University nor the hiring decision for those individuals applying for employment, unless there exists a bona fide essential requirement that an employee or student does not have HIV/AIDS and a reasonable accommodation cannot be made.

- c. **Right of Participation and Employment:** Students or employees infected with the HIV/AIDS virus will not be excluded from enrollment or employment, nor will those persons be restricted in their access to services or facilities unless medically-based judgments in individual cases, as reviewed by the Associate Director, Clinical Services of the Student Health and Wellness Center and the HIV/AIDS Committee with the approval of the appropriate Vice President, establish that exclusion or restriction is medically necessary for the welfare of the individual or other members of the University community. The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities. Students and employees with HIV/AIDS will be treated the same as all other students and employees with respect to this and other federal and state laws. Confidentiality as to the identity of a student or employee seeking a reasonable accommodation because of HIV/AIDS shall be maintained.
  
  - d. **Prohibition Against Inquiries and Mandatory Testing:** Employees, applicants and students will not be asked whether they have HIV/AIDS. Employees, applicants and students who identify themselves to any University official as having HIV/AIDS will be encouraged to inform the Student Health and Wellness Center or other health care providers in order to receive proper medical advice and counseling. Unless in strict accordance with the law the University will not conduct mandatory testing/screening for HIV/AIDS and will not inquire whether prospective or current students or employees have HIV/AIDS. Any individual who desires to be tested for HIV/AIDS may contact the Student Health and Wellness Center for information on the location of a facility which provides HIV/AIDS testing.
- 2.4. **Residential Housing of Students:** Residence life staff will encourage any student with HIV/AIDS to consult the Student Health and Wellness Center or Counseling Center on a confidential basis in order that potential complications can be anticipated and appropriate support can be provided. The Residence Life staff will not inform other students in the housing system or elsewhere of the presence of a student with HIV/AIDS in the residence halls. Decisions about housing of students with HIV/AIDS must be made on a case-by-case basis. The best currently available medical information does not indicate any risk to those sharing a residence with infected individuals. However, in some circumstances there may be reasonable concern for the health of students with immune deficiencies (of any origin) when those students might be exposed to certain communicable diseases (e.g., measles or chicken pox) in a close living situation. The Director of Housing and Residence Life shall have the flexibility to provide private rooms when so requested by the student with such immune deficiencies

or other medical conditions or when in the best interest of the student in order to protect the health of the immune deficient student or others.

- 2.5. **HIV/AIDS Committee:** An HIV/AIDS Committee will be established to evaluate and review various issues that may be raised by the existence of a student or employee with HIV/AIDS. The HIV/AIDS Committee shall protect the confidentiality of student and employee medical records and information and shall not discuss such issues in a manner that will disclose the identity of the individual with HIV/AIDS without written consent of the individual. The department head where the issue or case originated shall contact the Office of the Vice Chancellor and General Counsel before the HIV/AIDS Committee is convened to ensure confidentiality is maintained. Each situation will be reviewed on a case - by - case basis and any recommendation for action, where appropriate, will be made directly to the appropriate Vice President. The committee shall also make recommendations to the Chancellor for any proposed changes in this policy. Standing Committee members shall include the Associate Director, Clinical Services of the Student Health and Wellness Center , Vice Chancellor and General Counsel, Associate Vice President for Equity and Diversity, Director of Risk Management, the department head where the issue or case originated, the Director of Human Resources in employee cases or the Vice President for Student Development in student cases.
- 2.6. **Responsible Behavior:** Persons who have a reasonable basis for believing or who know that they are infected with HIV/AIDS are expected to seek expert medical advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly for the protection of other members of the community.
- 2.7. **Off-campus inquiries:** The Department of Marketing, Communications and Information Services will coordinate the release of information about the University policy regarding AIDS to off-campus inquiries. They will consult with appropriate departments and offices with respect to the information to be released to ensure that accurate information and a consistent University policy are presented to the public. All media inquiries pertaining to statistical incidents of HIV/AIDS among student, faculty or staff populations at the University will be referred to the Department of Marketing Communication and Information Services.
- 2.8. This policy is consistent with current information from public health authorities, such as the CDC, and with state and federal laws and regulations.

**Responsible Party:** Human Resources

**References and Cross-references.**

Texas Health and Safety Code, Chapters 81 and 85

Education Code, Section 51.919

Texas Department of Health HIV/AIDS Model Workplace Guidance (HIV/STD Policy No. 090.021)

Approved: 9/1/1990

Effective:

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