

NORTHWEST FLORIDA STATE COLLEGE POLICY ON AIDS

It is the policy of Northwest Florida State College to balance the rights of persons who have been medically diagnosed with or who are suspected of having the AIDS (Acquired Immune Deficiency Syndrome) to an education and gainful employment against the rights of students and employees to an environment in which they are protected from contracting the disease. In the belief that accurate information can be instrumental in controlling the spread of the disease and can help prepare the College community to respond in an appropriate manner, NWFSC is committed to providing the College community with information on the nature and transmission of the disease and the legal right of its victims.

Definitions

For the purpose of this policy and the procedures outlined, an AIDS virus-related condition refers to the following.

1. An individual who is diagnosed as having AIDS.
2. An individual who is determined to be HIV positive but has not yet developed the symptoms of AIDS
3. HIV - Human Immunodeficiency Virus infectious agent that causes acquired immunodeficiency syndrome (AIDS), a disease that leaves a person vulnerable to life-threatening infections.

Legal Background

At the Federal Level, the Rehabilitation Act of 1973 and the Americans with Disabilities ACT (ADA) prohibits discrimination against qualified disabled individuals by institutions which receive federal financial assistance. It is generally accepted that infection with AIDS can be considered a disability under the Rehabilitation Act and ADA at the State level, Chapter 760 of the Florida Statutes prohibits employment discrimination against disabled individuals. The statutes are similar to the federal laws and also state that a disabled person would not be segregated by the College unless the individual poses a scientifically proven risk to students or co-workers.

In 1988, the Florida Legislature passed CS/HB 1519, a comprehensive AIDS Bill, which prohibits discrimination on the basis of AIDS, and HIV positive tests. The law gives all infected individuals the same protection given to disabled individuals under Section 760.20 - 760.37 Florida Statutes and s. 504 Publ. L No. 93-112, The Rehabilitation Act of 1973 and ADA. Section 45 of CS/HB 1519 prohibits discrimination in employment, housing, public accommodations and government services.

General Policy Guidelines

The College will be guided in its actions by the most recent medical evidence, federal regulations under the Rehabilitation Act of 1973 and ADA, State regulations under, FS 1006.68 and guidelines suggested by the Center for Disease Control, the State Board of Education, the American College Health Association and the Department of Children and Family Services.

A committee appointed by the President shall be responsible for monitoring, revising and administering the institutional policy. The committee will include a very small number of persons knowledgeable and sensitive to the medical and psychological needs of HIV-positive individuals, and it will have the power to recommend on a case-by-case basis whether an HIV -positive employee or student can adequately perform job duties or classroom activities. As written in the State of Florida's Guidelines For Aids Policy in the Community College System, "Any student or employee with a communicable disease, whose personal behavior and/or medical condition poses imminent risk to the College community, will be evaluated by the appropriate committee or administrative authority on an individual basis to determine if limitations on contacts, and activities or continuation at the College are in the best interest of the student or employee and the College community." (1988, p.5)

Recommendations of the committee should be forwarded to the President and the Dean of Student Services when a student is involved and to the President and the Senior College Vice President when an employee is involved.

A designated AIDS counselor will be available to students, staff and faculty to answer questions and provide counseling. Contact with the counselor will be accorded confidentially in accordance with established statute or case law.

Through various educational activities, the College will provide current information about the transmission of AIDS, prevention of AIDS infection, and precautions that AIDS infected individuals should take in order to prevent the spread of the disease and to maintain their health. The Student Handbook and the Personnel Handbook will give the location of the AIDS counselor.

Guidelines for Students

1. **Admissions.** Admission will not be denied to a qualified individual solely on the grounds that the person has AIDS or is HIV-positive. The College cannot ask if an individual HIV-positive on any admission application forms.

2. **Suspension, Leaves of Absence, Withdrawals:** No HIV-positive student will be required to discontinue attending the College. A decision to discontinue enrollment will be made only after reasonable accommodations have been made and an examination of the facts on a case-by-case basis show that the student can no longer perform as required, or that the student presents a health risk to himself/herself or the College community.

3. **Confidentiality:** Any student who informs the College that he/she is HIV-positive will be accorded confidentiality regarding disclosure of medical condition in accordance with established statute or case law. No person to whom the results of a HIV antibody test have been disclosed may disclose the test results to any other person except as authorized by FS. 381.004. Whenever disclosure is made pursuant to said Florida Law, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by State law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by State law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." If oral disclosure of test results or the medical condition is made pursuant to the authority of FS 381.004 then said oral disclosure shall be accompanied by oral notice of the language quoted above, and then shall be followed by written notice of the language quoted above within ten (10) days.

A. Information that a student has AIDS, or is HIV-positive should not be entered into non-medical, educational records which are open to any employee of the College other than the AIDS Counselor and the Dean of Student Services.

B. Students disabled with HIV disease may request special services for disabled individuals.

4. **Students of Laboratory Classes:** Instructors will follow guidelines based upon the recommendations of the Public Health Service and the American College Health Association.

Guidelines for Employees

1. No employee will be removed from his/her position solely on the basis of an HIV disease. An HIV-positive employee not needing accommodation will be treated in the same manner as any employee diagnosed as having any other illness, injury or disability.

2. In instances where an HIV-positive employee is unable to fulfill all of his/her regular responsibilities, or portions of these responsibilities, the College will, if requested, make a reasonable effort to accommodate the employee's disability.

3. If an employee with an AIDS condition requests job accommodation for his/her medical condition, the employer must obtain a written medical opinion that he/she (a) is medically able to work and (b) needs reasonable job accommodation in order to maintain employment.

4. Any employee who informs the College that he/she is HIV-positive will be accorded confidentiality regarding disclosure of the medical condition, in accordance with established statute or case law.

5. Any HIV-positive employee will be allowed to use accrued sick or annual leave as needed.

6. Information that an employee has AIDS, or confidential and should not be entered into personnel records of the employee which are open to any employee of the College other than the President or his designee. No person to whom the results of a test have been disclosed may disclose the test results to any other person except as authorized by FS. 381.004.

Whenever disclosure is made pursuant to said Florida law, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by State law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by State law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." If an oral disclosure of test results is made pursuant to the authority of FS 381.004, then said oral disclosure shall be accompanied by oral notice of the language quoted above, and then shall be followed by written notice of the language quoted above within ten (10) days. Any request for information regarding test results of a particular employee or the need for testing of a particular employee shall be directed only to the President or his designee.

7. Safety Precautions:

a. Any employees (such as College security) who may be required to provide first aid and/or cardiopulmonary resuscitation shall abide by Public Health Service infection control procedures. Employees will be given access to equipment such as disposable plastic/rubber gloves, mouthpieces or resuscitation bags.

b. Maintenance and custodial workers shall wear plastic rubber gloves when cleaning or repairing restrooms so that they will be protected from infection through cuts on their hands. Custodial workers will use appropriate disinfectants in cleaning facilities.

c. Custodial workers will be instructed on the modes of transmission of HIV and the importance of safety precautions to be used in handling potentially contaminated objects and in cleaning up blood or other fluids from accidents, etc.

8. College employees, while performing their duties, will be required to conform to the College Policy on AIDS.

9. The Personnel Handbook will identify the location of the AIDS Counselor and where information related to AIDS can be found.