




## NORTHWEST FLORIDA STATE COLLEGE BOARD OF TRUSTEES POLICY

<b>TITLE:</b> AIDS Policy (Acquired Immune Deficiency Syndrome)	<b>NUMBER:</b> GP 12.00
<b>AUTHORITY:</b> Florida Statute: <a href="#">FS 1006.68</a> ; <a href="#">FS 381.004</a>	<b>SEE ALSO:</b> •
<b>DATE ADOPTED:</b> 05/88 <b>REVISED:</b> 05/03; 02/12; 03/19	<b>BOARD SECRETARY:</b> 

### PURPOSE OF POLICY

To guide College actions and reactions to the presence of persons who are HIV positive

### LOCAL LANGUAGE

Northwest Florida State College balances the rights of persons who have been medically diagnosed with or who are suspected of having the AIDS (Acquired Immune Deficiency Syndrome) with the opportunity to receive an education and secure 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, the College will provide the College community with information on the nature and transmission of the disease and the legal right of those with the disease.

The College will be guided by applicable federal and state law and the most recent medical evidence and guidelines, including the Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), § 1006.68, F.S., rules adopted by the State Board of Education, and recommendations from the Centers for Disease Control and Prevention and the Department of Children and Family Services.

~~Per Florida Statute FS 1006.68, 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) with 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, NWF State College is committed to providing the College community with information on the nature and transmission of the disease and the legal right of its victims.~~

~~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 Florida Statute 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.~~

## Definitions

~~For the purpose of this policy and the procedures outlined, a~~An AIDS virus-related condition refers to the following: Aan individual who is diagnosed as having AIDS; ~~or: a~~Aan individual who is determined to be HIV positive but has not yet developed the symptoms of AIDS.

HIV ~~-is-~~ Human Immunodeficiency Virus infectious agent that causes acquired immunodeficiency syndrome (AIDS); ~~;~~; a disease that leaves a person vulnerable to life-threatening infections.

## Student Guidelines

Admission will not be denied to a qualified individual solely on the ~~grounds that the person has AIDS or is HIV-positive~~basis of an HIV diagnosis. The College cannot ask if an individual is HIV-positive on any admission application forms. No HIV-positive student will be required to discontinue attending the College on the basis of their HIV diagnosis. 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. A student seeking an accommodation based on a disability related to AIDS or HIV must contact the Accommodation Resource Center. Instructors of laboratory classes will follow applicable law, regulation, and guidance related to safety, such as those provided by the Centers for Disease Control and Prevention, the Department of Children and Family Services, or the American College Health Association.

## Employee Guidelines

No employee will be denied employment or removed from his/her position solely on the basis of an HIV diagnosis. ~~The College cannot ask if an individual is HIV-positive on any employment application forms. The College will not inquire regarding HIV-positive status, and a~~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.

~~Employees seeking an accommodation based on a disability related to AIDS or HIV must contact the Executive Director of Human Resources. 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 within ADA law.~~

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. Any HIV-positive employee will be allowed to use accrued sick or annual leave as needed, ~~per college Sick Leave Policy in accordance with College leave policies; the employee need not disclose their condition to use their accrued leave in accordance with College leave policies.~~

## Confidentiality

Any student or employee who informs the College that he/she is HIV-positive will be accorded confidentiality regarding disclosure of a medical condition in accordance with applicable 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 § 381.004, F.S. Whenever disclosure is made under § 381.004, F.S., it will 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 under § 381.004, F.S., that oral disclosure will be accompanied by oral notice of the language quoted above and will be followed by written notice of the language quoted above within ten (10) days. 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.~~

Information that an employee has AIDS is confidential and will not be entered into personnel records of the employee which are open to any employee of the College other than the President, his designee, or the Office of Human Resources. ~~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 Florida Statute FS 381.004.~~

~~Whenever disclosure is made pursuant to said Florida law, it will 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 Florida Statute FS 381.004, then said oral disclosure will be accompanied by oral notice of the language quoted above, and then will 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 will be directed only to the President or his designee.~~

### **Safety Precautions:**

Employees who may be required to provide first aid and/or cardiopulmonary resuscitation will abide by ~~Public Health Service~~the most recent applicable infection control procedures. These employees will be given access to equipment such as disposable plastic/rubber gloves, mouthpieces, or resuscitation bags.

Maintenance and custodial workers will 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.

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. Access to HIV/AIDS education information will be listed in the Personnel Handbook and the Student Handbook.~~The Personnel Handbook will identify the location of the AIDS Counselor and where information related to AIDS can be found.~~

### **Education**

~~The College shall strive to maintain a library of accurate and current information concerning the transmission and prevention of AIDS.~~