

Angelo State University

**POLICY STATEMENT ON
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
AND HUMAN IMMUNODEFICIENCY VIRUS (HIV)**

This policy statement has been developed in accordance with and is subject to the provisions of the Human Immunodeficiency Virus Services Act and other applicable sections of S. B. 959 enacted by the Seventy-first Texas Legislature, Regular Session, 1989.*

Angelo State University seeks to minimize the Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) health risk on campus. Medical and public health professionals advise that increasing public awareness and education to prevent the spread of the disease can help minimize such health risk. The University will respond to each AIDS or HIV case on an individual basis subject to prevailing medical research and current legal opinion, using the American College Health Association's "General Statements on Institutional Response to AIDS" as a guide.

The University Clinic is the designated central source for AIDS and HIV educational materials, information regarding AIDS testing, and referral for counseling and medical care for students. In the event that a student, staff, or faculty member has AIDS or is medically diagnosed as a person infected by HIV, the University may impose such conditions and requirements as may be determined by the University to be medically necessary and legally permissible to protect the health of a person with HIV infection and/or to prevent the transmission of the disease as would be used in other cases of communicable diseases. Individuals failing to abide by such conditions or requirements may be subject to disciplinary action.

Except where release is required or authorized by law, information concerning HIV status of employees or students and any other portion of the individual's medical record will be kept confidential and will not be released without written consent of the individual.

Because of the extensive medical research currently underway on AIDS and HIV and the additional medical evidence which may become available with regard to AIDS or HIV, this statement is subject to change.

Nothing herein shall be construed as an assumption of risk or of other legal responsibility by Angelo State University for the health or welfare of any individual beyond the limits of previously existing University policy or State law. Individuals are cautioned to act prudently and to use good sense in their personal social relationships.

An informational brochure developed by the Texas Department of Health entitled AIDS is available to students at the University Health Clinic.

* Vernon's Ann. Civ.St. art. 4419b-4
V.T.C.A., Penal Code Section 22.012
V.T.C.A., Education Code Section 51.917

Angelo State University
AIDS AND HIV WORKPLACE GUIDELINES

GENERAL INFORMATION

These guidelines have been compiled using the information currently available about Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV). These guidelines are subject to change as additional information about AIDS and HIV becomes available.

Current knowledge about AIDS and HIV indicates that persons infected with HIV are not a health risk to others in the normal workplace setting. In view of this fact, there is no reason to exclude individuals with AIDS or HIV infection from the workplace.

Employees of the University who acquire HIV will not be excluded from employment or restricted in their access to University services or facilities as a result of HIV infection unless medically based judgments in individual cases establish that exclusion or restriction is necessary to the welfare of the infected person or of the other members of the University community.

Persons with HIV infection are entitled to the same rights and opportunities and have the same obligations and responsibilities as any other persons, including those with other communicable diseases. The policies regarding the employment status of all University employees are governed by the provisions of the Regents' RULES AND REGULATIONS, and this employment status of individuals with HIV infection is neither enhanced nor adversely affected by HIV infection.

The University prohibits any discrimination in its programs and activities against a person with HIV infection unless based on accurate scientific information. Any employee who violates this rule may be subject to appropriate disciplinary action.

WORKPLACE ISSUES

1. Work Performance and Accommodations

In the work setting, the University's major concern will be whether an HIV-infected employee will be able to satisfactorily perform his or her job duties. The university may make reasonable accommodations to keep an employee with HIV infection employed as long as the employee is capable of satisfactory performance and remains productive in his or her job assignment.

Before HIV-related symptoms occur, an infected employee is not obligated to provide information about his or her HIV status to the University. However, an employee may want to share information about his or her HIV-infected status with University officials so that responsible management decisions may be made about:

- a. making assignments or reassignments of job duties;
- b. evaluating leave policies to assure leave time comparable to other medical conditions;
- c. making determinations of possible qualifications for disability entitlements; and,
- d. monitoring the insurance status of the HIV-infected employee to assure continuation of coverage.

Once HIV-related symptoms occur, the employee has the responsibility, as in the case of other illnesses, to provide medically verified information relating to his or her ability to perform his or her job duties.

2. Confidentiality requirements

Based on federal and state law, any medical documentation or information provided to University officials by and HIV-infected employee must be considered confidential

and private information. As such, University officials are forbidden by law from disclosing this information to others without the employee's knowledge and consent. Exceptions to this disclosure prohibited are permitted by federal and state law for the public health reporting requirements for AIDS and HIV infection as well as for other communicable diseases, and in other circumstances as allowed by law. The University requires that any consent to disclosure by the employee be in writing. Any University employee who illegally breaches the confidentiality of this information may be subject to disciplinary action.

3. Consequences of Refusal to Work with Infected Persons

University employees who refuse to work with HIV-infected co-workers may be subject to disciplinary action. University department heads and directors should carefully monitor and document any instances of such refusal which is in violation of this policy and take appropriate disciplinary action.

4. Training Requirements

The University will provide a program of education about AIDS and HIV. The program will be offered to all employees as well as to all students, and it will contain at least the following elements:

- a. current medical information about HIV transmission;
- b. Methods of prevention of AIDS;
- c. high-risk behaviors;
- d. occupational precautions (in those areas of the University which are deemed appropriate);
- e. behaviors in violation of current Texas law or University policy.

5. Employee Testing

Upon an employee's request, the University shall pay the costs of testing and counseling an employee concerning HIV infection if:

- a. the employee documents to the University's satisfaction that the employee may have been exposed to HIV while performing duties of employment with the University; and
- b. the employee was exposed to HIV in a manner that is the U. S. Public Health Service has determined is capable of transmitting HIV.

However, an employee who may have been exposed to HIV while performing his or her duties at the University may not be required to be tested for HIV.

For the purpose of qualifying for worker's compensation or any other similar benefits or compensation, an employee who claims a possible work-related exposure to HIV infection must provide the employer with a written statement of the date and the circumstances of the exposure and document that within 10 days after the exposure the employee had a test result that indicated and absence of HIV infection.

The cost of an employee's testing and counseling shall be paid from funds appropriated for payment of worker's compensation benefits to State employees. Counseling or a test conducted in accordance with these provisions shall conform to the model protocol on HIV counseling and testing prescribed by the Texas Department of Health.

6. Campus Police Issues

In Compliance with Section 9.01 of the Texas Communicable Disease Prevention and Control Act, the University Police Department shall adopt a policy for handling persons with AIDS or HIV infection who are in its custody or under its supervision. The department's policy shall ensure that educational programs for employees include information and training relating to infection control procedures, and that employees have infection control supplies and equipment readily available.