

POLICY: 6Hx28:2-04



Responsible Official:
Vice President, Organizational
Development and Human Resources

Specific Authority: 1001.64-65, F.S.
Law Implemented: 1001.64-65, F.S.

Effective Date: 12-21-2004

AIDS

Policy Statement:

- I. For the purposes of this policy, an infected individual includes a person diagnosed as having Acquired Immune Deficiency Syndrome (AIDS); or a person who is determined to be positive for the Human Immunodeficiency Virus (HIV) but who has not developed the symptoms of AIDS. Valencia College recognizes that discrimination against such infected individuals is expressly prohibited by Florida law, which accords to such infected individuals every protection made available to persons with documented disabilities under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791), the Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and Chapter 760, Florida Statutes.
 - A. In accordance with law, Valencia College will offer students and employees with AIDS the same opportunities and benefits offered to other students and employees while at the same time attempting to balance the rights of such infected individuals to an education and to employment at the College against the rights of other students and employees to an environment in which they are protected from contracting the disease.
 - B. Valencia College recognizes that AIDS and a positive test for HIV represent a significant public health threat. In its belief that education can assist in controlling the spread of the disease and better help the public to respond reasonably to the disease, the College shall provide its employees and students with educational information regarding the nature and transmission of the disease and regarding the rights of infected persons.
- II. Employees
 - A. The College shall not require an individual to take a human immunodeficiency virus-related test as a condition of hiring, promotion, or continued employment

unless the absence of human immunodeficiency virus infection is a bona fide occupational qualification for the job in question.

- B. The College shall not fail or refuse to hire or discharge any individual, segregate or classify an individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of a human immunodeficiency virus-related test unless the absence of human immunodeficiency virus infection is a bona fide occupational qualification for the job in question.
- C. The College shall not discriminate against an otherwise qualified individual on the basis of the fact that such individual is, or is regarded as being, infected with human immunodeficiency virus.
- D. The College will not require an infected individual to cease working on the basis of a diagnosed infection unless such person has been determined to be not otherwise qualified based upon a determination that no reasonable accommodation can be made to prevent the likelihood that the individual will, under the circumstances involved, expose other individuals to a significant possibility of being infected with human immunodeficiency virus or to enable such person to perform the essential functions of the job.

III. Students

The College will not deny the admission or deny continued attendance of a student otherwise qualified for admission or continued attendance on the basis of a diagnosed infection unless a determination has been made that no reasonable accommodation can be made to prevent the likelihood, under the circumstances involved, that such admission or attendance will expose other individuals to a significant possibility of being infected with human immunodeficiency virus or to enable such persons to meet the substantial requirements of the educational program.

- IV. The procedures, guidelines, and statements related to this policy may be amended due to the advancement of medical knowledge, changes in the law, the facts of a particular case, or other appropriate circumstances.

Procedures:

- I. The president will designate the offices responsible for coordinating the College's efforts to educate the College community on the nature of the AIDS disease and responsible for handling each specific AIDS case on an individual basis. The president shall have final authority to approve any action by the College pursuant to the provisions of the policy on AIDS.

II. Education Program

The offices designated by the president will be responsible for reviewing and making recommendations concerning the AIDS education program of the College. In so doing, activities may include, but not be limited to, the following:

- A. An AIDS education program shall be established for the institution that will be available to students and employees. Such educational program shall address the provision of instruction, information, and activities regarding Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome. Such instruction, information, and activities shall emphasize the known modes of transmission of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome, signs and symptoms, associated risk factors, appropriate behavior and attitude change, and means used to control the spread of Human Immunodeficiency Virus Infection and Acquired Immune Deficiency syndrome. Such educational program shall provide current information, use reliable up-to-date materials, and be made widely available through student handbooks and other appropriate media.
- B. Safety guidelines may be recommended for teaching laboratories and other instructional sites at which contact with blood or other body fluids may take place. Similar safety guidelines will be recommended by the Committee for custodial, physical plant, safety and security officers, and other employees whose duties may involve contact with blood or other body fluids.
- C. Guidelines may be recommended for students and employees in the health related programs, in cooperation with the program directors in the health related programs and in accordance with the practices of particular medical affiliates.

Related Documents/Policies:

None

Policy History:

Adopted 12-10-02; Amended 12-21-04

Procedure History:

Adopted 12-10-02; Amended 12-21-04
