



POLICY: 6Hx28:02-04

Responsible Executive: Vice President,
Organizational Development & Human
Resources

Policy Contacts: Director, HR Policy and
Compliance Programs Assistant Vice
President, Equity and Access

Specific Authority: 1001.64, F.S.
Law Implemented: 1001.64, F.S.;
1006.68, F.S.; 760.50., F.S.

Effective Date: 12-21-200405-26-2022

Date of Last Policy Review: 05-26-2022

AIDS and HIV

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 Valencia College is committed to provide equal opportunity for employment and educational opportunities to all applicants for employment, employees, applicants for admission, students, and others affiliated with the College without regard to factors protected under applicable federal, state, and local civil rights laws, rules, and regulations (collectively referred to as "Protected Status"). The College recognizes the serious nature of Acquired Immune Deficiency Syndrome (AIDS) and the Human Immunodeficiency Virus (HIV) medical conditions; and the potential impacts both may have on the health and safety of the College community. Discrimination against individuals with HIV or AIDS is expressly prohibited under College Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct; 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-II. The College President or designee may establish procedures to implement this policy. 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.

Policy History: Adopted 12-10-02; Amended 12-21-04; Amended 05-26-2022

Related Documents/Policies: ~~None~~

College Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct

College Policy 6Hx28: 02-03 Workplace Accommodations for Applicants and Employees

College Policy 6Hx28: 02-07 Substitute Admission and Graduation Requirements for Students with Disabilities

Procedures:

I. The College President or designee will may designate the office(s) responsible for coordinating the College's efforts to educate-inform the College community on the nature of HIV and the AIDS disease; and responsible for handling each specific HIV/AIDS case on an individual basis. The College President or designee shall have final authority to approve any action by the College pursuant to the provisions of the policy on HIV and AIDS.

II. Valencia College will:

A. Offer students and employees with HIV and AIDS the same opportunities and benefits offered to other students and employees while at the same time attempting to balance the rights of all individuals in order to maintain a safe educational and workplace environment;

B. Make reasonable efforts to provide to students and employees information about the transmissibility of HIV/AIDS and precautions that may be taken to prevent the spread of HIV/AIDS; and

C. Maintain confidential information as authorized and allowable by law. All members of the Valencia community are expected to protect such information through proper safeguards and follow all related College policies pertaining to confidentiality in the regular conduct of College business.

III. Employees

A. The College shall not require employees to take an HIV-related test as a condition of hiring or continued employment unless the absence of HIV is a bona fide occupational qualification for the job in question.

B. The College shall not fail; 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 their 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 an HIV-related test or belief that the individual has taken an HIV test, or the results or perceived results of such test, unless the absence of the HIV virus is a bona fide occupational qualification for the job in question.

C. The College shall not discriminate against an otherwise qualified individual based on the fact that such individual has or is regarded as having HIV or AIDS.

D. The College will not require an individual with HIV or AIDS to cease working on the basis of a diagnosis 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 HIV or to enable such person to perform the essential functions of the job. For more information on employee accommodations, see College Policy 6Hx28: 02-03 Workplace Accommodations for Applicants and Employees.

IV. Students

A. 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 HIV or AIDS diagnoses 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 HIV or to enable such persons to meet the substantial requirements of the educational program. For more information on student accommodations, see the Office for Students with Disabilities (OSD) page on the College website at www.valenciacollege.edu/students/office-for-students-with-disabilities/ and College Policy 6Hx28: 02-07 Substitute Admission and Graduation Requirements for Students with Disabilities.

V. Applicants, employees prospective students, and active students should refer to College Policy 6Hx28: 02-01 Discrimination, Harassment, and Related Misconduct if questions or concerns arise regarding allegations of harassment, discrimination, or retaliation to include contacting the Assistant Vice President for Equity and Access for assistance at 407-582-3421 or equalopportunity@valenciacollege.edu.

VI. Education Program HIV and AIDS Awareness

In accordance with Florida Statute 1006.68, ~~the~~ the office(s) designated by the College President or designee will be responsible for reviewing and making recommendations concerning ~~the AIDS education program of HIV and AIDS awareness to~~ the College community. ~~In so doing, activities may include, but not be~~ Information and activities may include, and are not 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~~Information on the definitions of HIV and AIDS; known modes of transmission of Human Immunodeficiency Virus infection and Acquired Immune Deficiency Syndrome; HIV and AIDS; signs and symptoms; associated risk factors; appropriate behavior and attitude change; and means used to control the spread of HIV and AIDS~~Human Immunodeficiency Virus Infection and Acquired Immune Deficiency syndrome. Such educational program shall provide current~~Such information (Appendix A) shall be current, using reliable up-to-date materials, and be made widely available through student and employee handbooks and/or other appropriate media communication resources.

B. Safety guidelines may be established for certain instructional areas, specific jobs, and programs where contact with blood or other body fluids may take place.~~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. These areas include, and are not limited to, the following:~~

- 1 Health related programs, in collaboration with community partners, as appropriate;
- 2 Teaching laboratories and other applicable instructional sites; and
- 3 Operational areas such as safety and security, custodial services, grounds maintenance, facilities, and plant operations.

~~B. 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.~~

Procedure History: Adopted 12-10-02; Amended 12-21-04; Amended 05-26-2022

Date of Last Procedure Review: 05-26-2022

Appendix A: HIV and AIDS Information and Resources

Table and Additional Resources:

Centers for Disease Control and Prevention-HIV Basics:

<https://www.cdc.gov/hiv/basics/index.html>

Centers for Disease Control and Prevention-HIV 101 Info Sheet:

<https://www.cdc.gov/hiv/pdf/library/consumer-info-sheets/cdc-hiv-consumer-info-sheet-hiv-101.pdf>

Centers for Disease Control and Prevention-Factors that Increase HIV Risk:

<https://www.cdc.gov/hiv/basics/hiv-transmission/increase-hiv-risk.html>

Centers for Disease Control and Prevention-PrEP: <https://www.cdc.gov/hiv/basics/prep.html>

<u>HIV AND AIDS INFORMATION</u>		
<u>DEFINITIONS</u>		
<u>Term</u>	<u>Definition</u>	
<u>Human Immunodeficiency Virus (HIV)</u>	<u>A virus that attacks the body’s immune system and weakens a person’s immune system by destroying important cells that fight disease and infection.</u>	
<u>Acquired Immunodeficiency Syndrome (AIDS)</u>	<u>People with HIV normally progress through three stages. AIDS is the most severe stage (Stage 3) of HIV infection.</u>	
<u>MODES OF TRANSMISSION*</u>		
<u>Sexual Contact</u>	<u>Sharing Needles to Inject Drugs</u>	<u>Mother to Baby During Pregnancy, Birth, or Breastfeeding</u>
<u>*Note: HIV is not transmitted by air or water; saliva, sweat, tears, or closed-mouth kissing; insects or pets; or sharing toilets, food, or drinks</u>		
<u>SIGNS AND SYMPTOMS*</u>		
<u>Fever</u>	<u>Chills</u>	<u>Rash</u>
<u>Night Sweats</u>	<u>Muscle Aches</u>	<u>Sore Throat</u>
<u>Fatigue</u>	<u>Swollen Lymph Nodes</u>	<u>Mouth Ulcers</u>
<u>*Note: Some individuals may have no symptoms or may have flu-like symptoms within 2 to 4 weeks after infection. Flu-like symptoms may last for a few days or several weeks. These symptoms do not mean you have HIV as other illnesses can cause these same symptoms.</u>		
<u>ASSOCIATED RISK FACTORS</u>		
<u>Viral Load – the amount of HIV in the blood of someone who has HIV</u>	<u>Other Sexually Transmitted Diseases</u>	<u>Alcohol and Drug Use</u>
<u>PROTECT YOURSELF FROM HIV</u>		
<u>Get tested at least once or more often if you are at risk</u>	<u>Use appropriate protection</u>	<u>Choose activities with little to no risk</u>
<u>Don’t inject drugs; or if you do, don’t share needles, syringes, or other drug injection equipment</u>	<u>If you are at risk for HIV, speak to your health care provider</u>	<u>Get tested and treated for other sexually transmitted diseases</u>

External Confidential Resources:

BayCare

Available to students who are currently enrolled in Valencia College credit classes
(800) 878-5470; 24-hour confidential hotline
baycare.org/sap

BayCare Health System will improve the health of all we serve through community-owned health care services that set the standard for high-quality, compassionate care.

Employee Assistance Program

Available to current full-time employees of Valencia College 24 hours a day
(866) 248-4094
www.liveandworkwell.com

Heart of Florida United Way 2-1-1

Available to current employees and students of Valencia College 24 hours a day
Call 211 or 407-839-4357
Text zip code to 898-211
www.hfuw.org/gethelp/