

### 03.118 HIV/AIDS Education and Prevention Policy.

1. Purpose. To educate the University of North Texas System community on the prevention and spread of the human immune deficiency virus (HIV) and of acquired immune deficiency syndrome (AIDS) on the University campus; protect employment rights and privileges of individuals infected with HIV/AIDS; and provide a safe educational and working environment,
2. Policy. The University of North Texas System is concerned about the increasing incidence of HIV/AIDS throughout the United States and elsewhere. It is important that the System and its component institutions understand and be prepared to respond to this challenging medical condition. Every effort needs to be made to protect the rights and ensure the well-being of those individuals infected with HIV/AIDS, and to educate and safeguard the community as a whole. This policy has been developed to provide a legal, fair and equitable method of responding to the occurrence of HIV/AIDS in the System community. Use of an individual's HIV/AIDS status to decide employment status, or service delivery, unless authorized by federal or state law or regulation, is prohibited.
3. Definition. AIDS means acquired immune deficiency syndrome as defined by the Centers for Disease Control of the United States Public Health Service. This disease is caused by the human immunodeficiency virus. AIDS is characterized by the loss of an individual's natural immunity against disease. Loss of the immune response makes an individual vulnerable to diseases that normally would not be life threatening. These diseases are caused by opportunistic organisms and can be fatal to individuals with AIDS. It is possible to test positive for HIV but not have AIDS. These patients have antibodies against HIV that demonstrate they have been exposed to the virus but do not present symptoms that characterize AIDS.
4. General.
  - a. Education. Since prevention is currently the primary method of limiting the consequences of HIV/AIDS, the System through programs and procedures in place at its component institutions will direct its major efforts towards educating the respective communities regarding the cause, methods of transmission and prevention of HIV/AIDS infection, as well as the current laws and regulations relating to HIV/AIDS. Refer to applicable UNT and UNT Health Science Center policies for more specific information.

- b. Safety Precautions. Medical evidence indicates that people with HIV/AIDS pose no risk of transmitting the virus to others through ordinary, casual, interpersonal contact. Research identifies transmission through blood, semen, vaginal secretions, birth and breast milk. Any employee who may come in contact with blood or other body fluids should take the necessary health precautions to protect against transmission, in accordance with recommendations from the Centers for Disease Control and the Public Health Service.
  
- c. Employees Rights. The System recognizes that employees who have HIV/AIDS may wish to continue in their normal academic and/or work activities as long as their physical condition allows them to do so. No difference in treatment shall be accorded these individuals so long as they are able to perform the essential functions of the job and so long as medical evidence, as initially reviewed by the appropriate medical officer, indicates that their condition is not a threat to themselves or to others. Employees have the following legal rights:
  - 1. Confidentiality of Information. The System will comply with federal and state laws, regulations, and policies that protect the confidentiality of medical records. Persons who are infected by the HIV/AIDS are not required to reveal their HIV/AIDS status to the System, however, they are urged to share this information on a confidential basis with local health agencies (employees) so that appropriate health and educational needs may be met. Health information about an employee is personal and confidential and will be treated as such. Except as provided by law, neither the System nor any employee shall disclose to anyone the identity of a person with HIV/AIDS without the person's prior written consent. System employees with access to confidential information must maintain strict confidentiality and privacy, separating this information from personnel records. Individuals who fail to protect these employee rights commit a serious offense and are subject to disciplinary action including termination as well as both criminal and civil penalties. The number of people in the System who are aware of the existence and/or identity of an employee who has HIV/AIDS should be kept to an absolute minimum, both to protect the confidentiality and privacy of the infected person

and to avoid the generation of unnecessary fear and anxiety among employees.

2. Hiring. Unless there exists a bona fide essential requirement that an employee does not have HIV/AIDS and a reasonable accommodation cannot be made, consideration of the existence of HIV/AIDS will not be part of the initial hiring decision for those individuals applying for System employment.
  3. Right of Employment. System employees infected, or who may become infected, with the HIV/AIDS virus will not be excluded from employment, nor will those persons be restricted in their access to services or facilities unless medically-based judgments in individual cases, as reviewed by the appropriate medical officer with the approval of the appropriate Vice Chancellor, establish that exclusion or restriction is medically necessary for the welfare of the individual or other members of the System community. The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities. Employees with HIV/AIDS will be treated the same as all other employees with respect to this and other federal and state laws. Confidentiality as to the identity of an employee seeking a reasonable accommodation because of HIV/AIDS shall be maintained.
  4. Prohibition Against Inquiries and Mandatory Testing. Employees and applicants will not be asked whether they have HIV/AIDS. Employees and applicants who identify themselves to any System or University official as having HIV/AIDS will be encouraged to inform health care providers in order to receive proper medical advice and counseling. Unless in strict accordance with the law the System will not conduct mandatory testing/screening for HIV/AIDS and will not inquire whether prospective or current employees have HIV/AIDS. Any individual who desires to be tested for HIV/AIDS may contact the UNT Student Health and Wellness Center for information on the location of a facility, which provides HIV/AIDS testing.
- d. Responsible Behavior. Persons who have a reasonable basis for believing or who know that they are infected with HIV/AIDS are expected to seek expert medical advice about their health

circumstances and are obligated, ethically and legally, to conduct themselves responsibly for the protection of other members of the community.

- e. External inquiries. The Office of Public Affairs and Information Services (PAIS) will coordinate the release of information about the System policy regarding AIDS to external inquiries. They will consult with appropriate departments and offices with respect to the information to be released to ensure that accurate information and a consistent System policy are presented to the public. All media inquiries pertaining to statistical incidents of HIV/AIDS among System employees will be referred to PAIS.
  
- f. This policy is consistent with current information from public health authorities, such as the CDC, and with state and federal laws and regulations.

#### REFERENCES

Texas Health and Safety Code, Chapters 81 and 85

Education Code, Section 51.919

Texas Department of Health HIV/AIDS Model Workplace Guidance (HIV/STD Policy No. 020.006)