

3357:13-18-104: Procedures for Aids, ARC & HIV Positive

- (A) The College's position on AIDS, ARC, and HIV Positive is based on federal, state, and local laws and on information and recommendations from the Center for Disease Control, the Public Health Service, the American College Health Association, and the American Council on Education regarding Acquired Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC), and Human Immunodeficiency Virus (HIV). The College's AIDS Policy is predicated on the following considerations:

The ethical and moral questions of individual and college community rights warrant special attention and thoughtful discussion.

- (B) For the purpose of this policy statement, the term "AIDS" shall include AIDS, ARC, and HIV Positive. Current medical opinion holds that not all persons who test positive for HIV will have ARC and not all who have ARC will subsequently develop AIDS.
- (C) Human Immunodeficiency Virus (HIV) is the viral cause of AIDS. HIV is transmitted primarily in four (4) ways:
- (1) by exchange of semen, blood, or vaginal secretions from an infected person during sexual activity;
  - (2) through trans placental transfer from an infected pregnant woman to her fetus;
  - (3) through HIV contamination of blood transfusion or sharing of blood contaminated needles by infected intravenous drug users;
  - (4) accidental needle stick or mucous membrane blood exposure from an infected individual to a noninfected individual.
- (D) The College must be aware of and sensitive to the concerns of persons with AIDS as well as to those individuals who live, learn, and work with those with AIDS; these joint concerns require a sensitive, intelligent, and reasonable approach to the problems caused by the disease.
- (E) In light of the foregoing, North Central State College has adopted the following:
- (1) Rights of the Students and Staff.
    - (a) Information identifying employees with AIDS shall be available only to the President of the College and the Director of Human Resources. Information shall be retained in files under the control of the Director of Human Resources and shall not be part of personnel files or student records. In the case of a student, the President of the College and the Vice President for Institutional Services will have this knowledge. Such information shall be divulged by the President to other members of the College only on a clearly demonstrated need-to-know basis for the purpose of protecting the

health or safety of the employee, other employees, students, or members of the College community. Such information shall be divulged only to members of the College primarily responsible for maintaining the health and safety of the employee, other employees, students, or members of the College community on a particularized basis.

- (b) Right to Equal Treatment. Discrimination or harassment by a student or employee against any student or employee who has AIDS will be a violation of this policy and will subject the individuals to disciplinary action. Likewise, employees who withhold services to victims of AIDS will be subject to disciplinary action.

## (2) Responsibilities of the Students and Staff

- (a) Responsibility for protecting others from contracting AIDS.

All employees that work in an environment where it is reasonably likely to come into contact with or suffer injury from the exchange of bodily fluids, puncture from intravenous needles, or the transfusion of blood, and who learn that they have contracted AIDS, must promptly inform the College of this fact by notifying the Director of Human Resources. Failure to give notification is grounds for dismissal if the individual's condition is subsequently ascertained.

- (i) All students who learn they have contracted AIDS must promptly notify the Vice President for Institutional Services where such student is enrolled in a course of study identified by North Central Technical College as one in which there is a substantial and reasonable risk of involuntary infection of AIDS. Failure to give notification is grounds for dismissal from the course of study if the individual's condition is subsequently ascertained.
  - (ii) The Director of Human Resources and/or the Vice President for Institutional Services may notify the President of the College that an AIDS case has been reported on a need-to-know basis.
- (b) The College encourages any member of the College community who knows that he or she had AIDS to notify those persons who, on the basis of prevailing medical opinion, might have contracted the AIDS infection through contact with him/her.
- (c) A person who has AIDS must govern his or her behavior in light of the risks of transmission of AIDS recognized by competent medical opinion. Such a person who, in the judgment of the President, in consultation with qualified medical personnel (and the Vice President for Institutional Services in the case of a student and the Director of Human Resources in the case of an employee), intentionally or recklessly fails to so control his or her conduct, thereby creating an unreasonable risk of transmitting AIDS to other persons, may be dismissed (or in the case of an employee, may be discharged) from the College. The decision to dismiss a student or discharge an employee shall be made on a case-by-case basis, taking into account sound medical and legal opinion as

well as the need to ensure the health and safety of the College community and the person with AIDS.

- (d) Responsibility to obtain and maintain medical supervision. Employees or students who have AIDS, or suspect the presence of AIDS, bear the responsibility for obtaining adequate medical and psychological care.

### (3) Rights of The College

- (a) Right to be informed:

Because of its obligation to the health and safety of the entire College community, the College requires that it be promptly informed when an employee or student has been diagnosed as having AIDS and participates in a course of study or college activity, which includes a substantial and reasonable risk of exposing others to AIDS.

- (b) Right to provide information for the benefit of the College community.

If a student or employee has informed the College that he/she has AIDS, the College, upon reasonable belief that the student or employee's condition requires accommodation, may require the student or employee to provide an up-to-date medical evaluation of the student or employee's ability to participate in a course of study or perform the essential functions of the job.

- (c) The College shall be prepared to refer students and employees to sources of competent and confidential testing for AIDS upon an individual's request or as necessary to comply with paragraph 8 (eight) above.

### (4) Responsibilities of the College

Responsibility to maintain confidentiality:

No specific or detailed information concerning the medical condition of any individual employee, student, or member of the College community will be released to the public. In the event that a personal physician or state health department officials determine that an individual's medical condition represents a threat to the health or safety of the employee, other employees, students, or members of the College community, only essential administrative personnel will be informed on a need-to-know basis.

### (5) Responsibility toward discrimination:

- (a) The College shall not discriminate in the admission of students or their participation in college educational programs, activities, financial aid, or employment against any student who has AIDS. Nor shall it discriminate in employment or opportunities for advancement of any staff member with AIDS.

(b) In the event the student's or staff member's personal physician or state or federal health officials declare that the disease represents a substantial risk to the health and safety of other members of the College community, appropriate measures will be taken to protect the institution and those individuals who are at risk. All such decisions will be made on a case-by-case basis and will remain open to reexamination in light of new information.

(6) Responsibility to provide knowledge about AIDS:

The Director of Human Resources and the Vice President for Institutional Services shall make available to all members of the College community educational programs and informational materials about AIDS.

(7) Responsibility for policy review:

The policy established in this document is to be reviewed periodically by the President's Cabinet, in consultation with the Division of Health Sciences, to ensure that it reflects the most current AIDS information available from governmental authorities and competent medical researchers.

Effective: October 23, 2010

Expires: May 1, 2026

Review Dates: 10/23/10, 8/15/17, 5/10/21