**Management of Acquired Immune UPPS No. 07.09.01**

**Deficiency Syndrome (AIDS) on Campus Issue No. 5**

 **Revised Date: 12/01/2023**

 **Effective Date: 11/04/2019**

 **Next Review Date: 06/01/2029 (E10Y)**

 **Sr. Reviewer: Director, Student**

 **Health Center**

### ****01. POLICY STATEMENTS****

* 1. This document sets forth Texas State University’s policy regarding HIV/AIDS on campus in compliance with [Texas Education Code, Section 51.919 HIV and AIDS Policy](https://texas.public.law/statutes/tex._educ._code_section_51.919).

01.02 Texas State recognizes that preventing the transmission of HIV is the only effective means of stopping the spread of HIV/AIDS. The university will address HIV/AIDS through education, support services, and appropriate accommodations for those infected with HIV.

### 02. DEFINITIONS

02.01 Acquired Immune Deficiency Syndrome (AIDS) – the end result of an infection caused by a virus called Human Immunodeficiency Virus (HIV). This virus causes a deterioration of the body's immune system. As a result, a person with AIDS is susceptible to a variety of potentially fatal infections.

02.02 HIV Infection – a condition in which an individual has tested positive for HIV antibodies. In the early stages of HIV infection, people may appear healthy but can transmit the virus to others.

02.03 Employees – includes faculty, staff, and student employees.

### 03. POLICIES AND PROCEDURES

03.01 Admissions – The university will not deny admission to a prospective student on the basis of HIV infection.

03.02 Employment – The university will not deny a person consideration for employment on the basis of HIV infection. An HIV-infected employee may request employment accommodations following the procedures outlined in [UPPS No. 04.04.60](https://policies.txstate.edu/university-policies/04-04-60.html), Workplace Accommodation. The university will make a reasonable effort to accommodate the employee’s disability.

03.03 Class Attendance – A student with HIV infection may attend all classes without restriction, provided that the student is able to perform assigned work. A student with HIV infection is entitled to reasonable and appropriate academic accommodations as outlined in [UPPS No. 07.11.01](https://policies.txstate.edu/university-policies/07-11-01.html), Disability Services for Students.

03.04 Access to Facilities – The university will not deny a person access to its facilities on the basis of HIV infection.

03.05 Athletic and Recreation Programs – The university will not restrict a student from participating in intercollegiate athletics, intramurals, or recreational sports unless the student poses a direct threat of infection to others.

03.06 Residential Housing – The university will not restrict students with HIV from university housing. Department of Housing and Residential Life staff will not disclose this information without the student’s prior written consent and will make decisions regarding an HIV-infected student on an individual basis. A student with HIV infection who may require an accommodation in university housing should follow the procedures outlined in [Procedures for Housing Requests Based on Disability Related Needs](https://sa.txstate.edu/pps/upps071101HousingReqDisabNeeds.pdf).

03.07 Exemptions Based on Presence of HIV-Infected Individual – The presence of an HIV-infected student does not justify others from withdrawing from class or not fulfilling the terms of a residential housing contract. The presence of an HIV-infected employee does not justify others from avoiding performing job duties.

03.08 Mandatory HIV Testing – The university will not undertake any programs that require mandatory testing of students or employees except as provided by law.

03.09 Laws Protecting Persons with HIV/AIDS –[Section 504 of the Rehabilitation Act of 1973](https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html) and the [1990 Americans with Disabilities Act](http://www.ada.gov/pubs/adastatute08.htm) protect persons with disabilities, including those infected with HIV, from discrimination and harassment. Employees and students who discriminate on an illegal basis are subject to disciplinary sanctions as provided by [upps no. 04.04.46,](https://policies.txstate.edu/university-policies/04-04-46.html) Prohibition of Discrimination.

### 04. CONFIDENTIALITY PROCEDURES

04.01 [The Family Educational Rights and Privacy Act of 1974](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html), [Chapter 159 of the Occupations Code](http://www.statutes.legis.state.tx.us/Docs/OC/htm/OC.159.htm), [Section 81.103 of the Health and Safety Code](http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.81.htm), [Health Insurance Portability and Accountability Act Privacy Rule](https://www.cdc.gov/phlp/publications/topic/hipaa.html) and other laws, protect individuals from the unauthorized disclosure of confidential information. The HIV status of students and employees is confidential information that the university will not release without the prior written consent of the individual, except where release is required or authorized by law. HIV status in personnel records and workers' compensation files is confidential information, safeguarded to prevent unauthorized disclosure.

04.02 Every university department head will establish procedures to protect the confidentiality of HIV infection information in personnel records and to limit the number of persons involved in matters concerning individuals with HIV/AIDS. The [Health and Safety Code](https://statutes.capitol.texas.gov/Docs/SDocs/HEALTHANDSAFETYCODE.pdf) provides criminal sanctions for persons who, with criminal negligence and in violation of the code:

1. release or disclose a test result or other information; or
2. allow a test result or other information to become known.

### 05. SERVICES FOR PERSONS WITH HIV/AIDS

05.01 The Student Health Center will provide services as follows:

1. The Student Health Center will provide students with:
2. medical information about HIV/AIDS and resources available to infected students;
3. medical care for routine medical problems; and

3) referral for counseling services to address the emotional and psychological effects of the disease.

1. The Student Health Center will provide employees with:
2. general information about HIV/AIDS; and

2) information about area HIV/AIDS support resources.

1. The director of the Student Health Center, or a designated medical representative, will provide consultation to supervisors, faculty, and administrators regarding HIV/AIDS issues.

05.02 The Counseling Center will provide confidential counseling services as well as information about other resources available to students who are infected with HIV.

05.03 The Office of Disability Services will assist infected students in obtaining services and accommodations. A medical diagnosis of HIV/AIDS does not automatically mean a student will qualify for accommodations. The condition must cause a substantial limitation on a major life activity.

\*05.04 The offices of Human Resources and Disability Services will assist infected employees in obtaining services and accommodations.

### 06. HIV TESTING PROCEDURES

06.01 Voluntary Testing and Counseling – The Student Health Center will provide confidential HIV testing with pre- and post-test counseling, as needed, to Texas State students. An anonymous testing program is available whereby no information regarding the HIV test is recorded in the student's medical record. Unless authorized or required by law, the Student Health Center will not perform HIV tests without the patient’s written consent. The university will refer its employees to the county health department or their personal physician for HIV testing.

06.02 Reporting of HIV Test Results – The university will report HIV test results in compliance with all applicable statutory requirements including [Chapters 81](http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.81.htm), [Chapter 84 of the Texas Health and Safety Code,](http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.84.htm) and [Chapter 97 of the Texas Administrative Code](https://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=5&ti=25&pt=1&ch=97&sch=F&rl=Y).

06.03 HIV Testing Protocol After a Possible Exposure – Following guidelines established by the Centers for Disease Control and Prevention and the U.S. Public Health Service, the university will test a student or employee who may have been exposed to HIV at baseline, six weeks, and four months after the possible exposure.

06.04 Student Request for HIV Testing – A student may request HIV testing and counseling at university expense, if the student documents possible exposure to HIV during a class activity or an educational assignment in a manner that is capable of transmitting HIV in accordance with information from the Centers for Disease Control and Prevention and the U.S. Public Health Service. The university may, with informed consent and at its own expense, also test the individual that may have exposed the student for HIV infection. The Student Health Center may conduct HIV tests for students and persons who are not university employees.

06.05 Employee Request for HIV Testing – An employee may request HIV testing and counseling at university expense, if the employee documents possible exposure to HIV, while performing the duties of employment, in a manner that is capable of transmitting HIV in accordance with information from the Centers for Disease Control and Prevention and the U.S. Public Health Service. The university may, with informed consent and at its own expense, also test the individual that may have exposed the employee for HIV infection. Any physician listed in the Texas Department of Insurance, [Workers' Compensation Provider Network](https://www.viiad.com/tmi) may perform HIV tests for employees.

06.06 Worker's Compensation Benefits and HIV Testing – Although the university cannot require employees exposed to HIV during the scope of their employment to undergo testing, the employees’ failure to do so may jeopardize their Workers’ Compensation claim. State law requires that an employee must provide a written statement of the date and circumstances of a possible exposure to HIV. The employee must document that they had a negative HIV test within ten days of the exposure (see [Chapter 85 of the Health and Safety Code](http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.85.htm)). As provided in [UPPS No. 04.04.43](https://policies.txstate.edu/university-policies/04-04-43.html), Workers' Compensation Injuries, Illnesses, and Claims, supervisors must complete a [Supervisor's Report of Incident, Injury or Illness](https://www.fss.txstate.edu/ehsrm/workers/WorkerForms.html) to establish the employee’s Workers’ Compensation benefits.

### 07. HIV EDUCATION PROCEDURES

07.01 The Student Health Center, through a combination of health education presentations, outreach events, pamphlets, Student Health Center web page content, and responses to individual requests, will provide information on prevention of HIV infection including the value of abstinence and responsible relationships; information on the efficacy, use, and availability of condoms; conduct that may result in the transmission of HIV; and state laws relating to HIV/AIDS.

07.02 The university will provide HIV education to students based on the model HIV education and prevention program developed by the Texas Department of State Health Services, by including this information in the curricula of its Allied Health, Counseling, Health Education, and Social Work programs. These programs will also address the physical, emotional, and psychological stress associated with HIV/AIDS infection of caring for someone with HIV/AIDS infection. The university will encourage other academic degree programs to include relevant HIV information in their curricula.

07.03 Human Resources will provide each employee with educational materials containing information similar to [HIV/AIDS and the Workplace](https://www.dshs.texas.gov/hiv-std-program/hiv-aids-std-information/hiv-aids-the-workplace) developed by the Texas Department of State Health Services. The university will provide the information to new employees on the first day of employment and to all employees annually.

### 08. SAFETY GUIDELINES

08.01 Academic – Departments offering laboratory courses that may involve exposure to blood and other potentially infectious materials will adopt safety guidelines for handling such materials and distribute these guidelines to students and staff prior to such exposure. The safety guidelines will include the guidelines established by the [OSHA Bloodborne Pathogens Final Standard](https://www.osha.gov/Publications/osha3186.pdf) and the [CDC Universal Precautions](https://www.cdc.gov/mmwr/preview/mmwrhtml/00000039.htm). The university will also provide students with appropriate personal protective equipment.

08.02 Residential Housing – Department of Housing and Residential Life staff will annually review and follow the guidelines established by the [OSHA Bloodborne Pathogens Final Standard](https://www.osha.gov/Publications/osha3186.pdf) and the [CDC Universal Precautions](https://www.cdc.gov/mmwr/preview/mmwrhtml/00000039.htm). Department of Housing and Residential Life staff will provide annual programs for department staff that include information about methods of transmission and prevention of HIV infection, safety guidelines established by the [OSHA Bloodborne Pathogens Final Standard](https://www.osha.gov/Publications/osha3186.pdf) and the [CDC Universal Precautions](https://www.cdc.gov/mmwr/preview/mmwrhtml/00000039.htm), federal and state laws concerning HIV/AIDS, and relevant information contained in this university HIV/AIDS policy. Department of Housing and Residential Life staff will provide education and programming opportunities in the residence halls regarding safer sex to help prevent sexually transmitted infections, including HIV.

08.03 Occupational – Department heads will provide annual HIV safety programs for employees whose duties may involve exposure to blood or other potentially infectious materials. The HIV safety programs will include information about methods of transmission and prevention of HIV infection, safety guidelines established by the [OSHA Bloodborne Pathogens Final Standard](https://www.osha.gov/Publications/osha3186.pdf) and the [CDC Universal Precautions](https://www.cdc.gov/mmwr/preview/mmwrhtml/00000039.htm), federal and state laws concerning HIV/AIDS, and relevant information contained in this university HIV/AIDS policy. The university will also provide employees with appropriate personal protective equipment.

08.04 University Police Department – The University Police Department will develop and implement HIV/AIDS workplace policies similar to the model policies developed by the Texas Department of State Health Services in its HIV/STD program [Policy 090.020, Model Policies for Handling, Caring and Treating Persons Infected with a Sexually Transmitted Disease (Including HIV/AIDS) while in the Custody, Supervision or Care of Correctional, Law Enforcement, and/or Emergency Services Entities](https://www.dshs.texas.gov/hivstd/policy/policies/090-020).

08.05 Athletics – The Athletic Department will provide athletic trainers with annual HIV safety programs which will include information about methods of transmission and prevention of HIV infection, safety guidelines established by the [OSHA Bloodborne Pathogens Final Standard](https://www.osha.gov/Publications/osha3186.pdf) and the [CDC Universal Precautions](https://www.cdc.gov/mmwr/preview/mmwrhtml/00000039.htm), federal and state laws concerning HIV/AIDS, and relevant information contained in this university HIV/AIDS policy. Athletic trainers will also comply with the HIV/AIDS guidelines of the most recent edition of the NCAA Sports Medicine Handbook. The Athletic Department will provide athletic trainers with appropriate personal protective equipment.

**09. PROCEDURES FOR DISTRIBUTION OF HIV/AIDS POLICY INFORMATION**

09.01 The university will include relevant summaries of this HIV/AIDS policy in the [student](https://studenthandbook.txstate.edu/), [faculty](https://gato-docs.its.txstate.edu/jcr%3A78db2d91-b1aa-46de-8216-baac6269e7c1/Faculty%20Handbook.pdf), and staff handbooks.

09.02 Media Relations will coordinate the release of information regarding university HIV/AIDS policy and programs. Media Relations will consult with appropriate departments and offices to ensure that accurate information and a consistent university policy are presented to the public.

09.03 The director of the Student Health Center will respond to inquiries pertaining to the incidence of HIV/AIDS on campus.

### 10. REVIEWERS OF THIS UPPS

\*10.01 Reviewers of this UPPS include the following:

Position Date

Director, Student Health Center June 1 E10Y

Assistant Vice President, June 1 E10Y

Human Resources

Director, Office of Disability Services June 1 E10Y

### 11. CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director, Student Health Center; senior reviewer of this UPPS

Vice President for Student Success

President