

POLICY 1.19 – Policy on AIDS

Policy Category: General
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POLICY

Confidentiality

- 1.00 The HIV-status of individuals is a confidential matter between themselves and their physicians, except that all physicians are required to report any confirmed or suspected HIV infection to the Medical Officer of Health. The University has no interest in this information, except when there is a requirement to modify employment or academic programs as set out in later sections of this policy statement. Such modification will be at the request of the infected individual.

Non-Discrimination

- 2.00 Any person who is infected with HIV, or who is perceived for any reason to be a potential carrier of the virus, has the right under the Human Rights Code to be free from discrimination or harassment while engaged in legitimate activities which are a part of University life.
- 3.00 An employee or a student who experiences discrimination or harassment because they are, or are perceived to be, HIV-positive, should report this discrimination or harassment. Reporting on a confidential basis may be made through one of the physicians in the Health Services if the individual so chooses. In the event that confidentiality is not an issue, reporting may be made directly to the supervisor or to the Employee Relations Section of the Personnel Department.
- 4.00 The fact that an individual has or is perceived to have HIV infection is not a valid basis on which to dismiss an employee or to refuse to hire an individual as an employee.
- 5.00 An employee infected with HIV has the right to continue in his/her position so long as he/she is able to carry out the essential requirements of the position in a safe and competent manner. In the event that an employee is experiencing difficulty in meeting these requirements, the University will attempt to make reasonable adjustments, insofar as this is possible, to accommodate to the individual's health status in order to make continued employment possible. It is assumed that persons in these circumstances will come forward with information concerning their health status so that reasonable adjustments can be made.

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- 6.00 Since there is no evidence that HIV is transmitted through casual contact, there is no justification in an employee refusing to work with another employee who is infected with HIV, unless there is a real risk of transmission of body fluids in the normal course of employment.
- 7.00 Neither the University nor the affiliated colleges will deny admission to any faculty to anyone because he/she is infected with HIV, or is perceived for any reason to be a potential carrier of HIV.

Nor will the University ask any student to withdraw from the University because he/she is infected with HIV, or perceived to be a potential carrier of HIV.

There is no justification for a student to refuse to work with another student who is infected with HIV (subject to guideline 8.00 below).

- 8.00 In the event that a student is unable to meet the requirements of a program due to the effects of HIV-infection, the program will be modified to the extent reasonably possible and academically feasible to enable the student to continue his/her studies. In the event a student infected with HIV is involved in a program in which significant risks arise by virtue of the student's participation, such modifications as are reasonable will be made to enable the student to safely participate in the program.
- 9.00 Students infected with HIV will not be discriminated against in the provision of student housing. However, it is recognized that such students may have special requirements and, where possible, all reasonable efforts will be made in order to protect the health and/or confidentiality of the HIV-infected student.

Education

- 10.00 The University will develop and maintain current educational programs regarding AIDS for all members of its constituency: students, staff and faculty. These programs will be designed to be proactive and will emphasize prevention as the most effective approach to the control of infection at this time. The accessibility of these educational programs will be continually monitored, and materials will be updated to reflect the ongoing state of knowledge concerning this disease.

Research

- 11.00 The University is committed to the promotion and encouragement of research concerning AIDS through the provision of human and financial resources as it is able to do so.

Testing Policies

- 12.1 Mandatory testing for HIV infection is not a prerequisite for employment by the University nor for admission to any academic program. In principle, the University does not support mandatory testing, and therefore such practices will not be implemented. It does, however, recognize that circumstances may exist where individuals may wish to seek such testing due to the presumption of increased risk and they should be encouraged to do so. The University's role is one of providing counselling for those members who request it, and referral to appropriate testing resources (through family physicians) except in those cases in which occupational exposure is a factor.

APPENDIX

THE UNIVERSITY OF WESTERN ONTARIO POLICY ON AIDS

PREAMBLE

The increase in public awareness of the consequences of infection by the human immune deficiency virus (HIV) has given rise to some very serious issues in Canadian society. These issues are now impacting on the city of London and the University community. In order to address present concerns about HIV and in anticipation of future developments, it is The University of Western Ontario's intention to enact sound policy guidelines designed to best meet the needs of its entire constituency: faculty, staff, students and persons using the University's services.

These policy guidelines have been developed through a consultative process and have included a thorough consideration of the present available knowledge regarding HIV. The University recognizes the importance of balancing the needs and the rights of each individual within the university community against the collective needs and rights of the entire constituency. The rights of individuals to confidentiality and freedom from discrimination in the pursuit of their academic goals must be maintained while ensuring the rights of all members of the community to function in a safe environment.

At present, it is known that HIV is primarily transmitted through sexual contact with an infected individual or through contact with infected blood; therefore, the risk of casual transmission is virtually nil and has never been demonstrated. Despite this knowledge, there is a misconception of risk that must be addressed. This document is intended to confront this issue through the provision of coherent policy guidelines which are based on current scientifically-validated information.

There is widespread recognition among the biomedical community that new knowledge about HIV is emerging continuously; therefore, any policy statement adopted at this time must be subject to regular review. An ongoing and systematic revision of this document, in keeping with emerging scientific knowledge, will ensure that the University remains responsive to the future needs and interests of its members.

POLICY GUIDELINES & RATIONALE

I - Confidentiality

The University recognizes that an HIV-infected individual has the right to confidentiality. In the case of possible occupational exposure to HIV, such as that arising from research projects involving live virus, testing and ongoing monitoring of the individual will be provided but here again, only upon request. Consequently the University has no reason to ascertain the HIV-status of any individual within the community, and will make no effort to determine this status.

In some cases, and only at the request of the individual, HIV testing may be carried out through the University Offices responsible for ordering such tests, such as Student Health Services or Staff/Faculty Health Services. In the case of possible occupational exposure to HIV, such as that arising from research projects involving live virus, testing and ongoing monitoring of the individual will be provided but here again, only upon request. In any event, test results will be confidential, between the physician and the patient, as is true for all medical tests. However, in the case of HIV-positive results, the university physicians will conform to the legal requirement to convey this confidential information to the Medical Officer of Health. This in no way will compromise confidentiality within the University setting.

HIV-positive individuals may wish to disclose their condition as an individual choice. At the present time the University takes no position relative to this, as there is no reason for the University community to know the HIV-status of any individual. If an HIV-positive person feels that his/her status may, as a result of his/her employment or coursework, put another person at risk, he/she is advised to consult in confidence with his/her own physician or with the physicians in either of the University Health Services. An evaluation of the degree of risk will be undertaken by the individual's physician in consultation with the Medical Officer of Health. At no time will the University administration be involved in this consultative process without the individual's knowledge and consent.

Policy Guideline 1.00

The HIV-status of individuals is a confidential matter between themselves and their physicians, except that all physicians are required to report any confirmed or suspected HIV infection to the Medical Officer of Health. The University has no interest in this information, except when there is a requirement to modify employment or academic programs as set out in later sections of this policy statement. Such modification will be at the request of the infected individual.

II- Non-Discrimination

While the University acknowledges that the HIV-status of any individual is a matter of confidence between that individual and his/her physician, the University is also aware that this status can become known in the community, usually as a choice of the individual involved. While the University takes no position as to whether an individual should or should not disclose his/her HIV-positive status, it does acknowledge that such a disclosure can, in some circumstances, lead to real or perceived discrimination.

The University has a twofold obligation to: provide a working environment which is as safe as possible and in which the hazards of HIV infection are minimal, and one in which the rights of all members of the University community are recognized. Furthermore it also recognizes that individuals with HIV-infection have the right to pursue activities as their conditions allow, including continuation of work or study. These individuals have the right to access University services and facilities, so long as this does not pose a safety or health hazard for themselves or others.

Based on current scientific and medical knowledge, there is no justification for restricting the access of HIV-positive persons from university activities and services, including athletic facilities, swimming pools, restaurants and other common areas. In all cases, Occupational Health and Safety Policies will be fully enforced in order to reduce the risk of infection to others. Thus, at this time, there is no medical reason, including pregnancy, for refusing to associate with an HIV-infected individual, on that basis alone.

Regarding employees: the University will not discriminate against any employee on the basis of HIV status. As long as the employee is able to continue to meet the requirements of his/her position and does not pose a health threat to others, the employee has a right to continued employment. If an HIV-infected employee cannot carry out his/her regular duties due to illness, or poses a health threat to others, the University will attempt to change the work situation of such an employee in order to reach an accommodation that is mutually acceptable. In this regard, those employees that are HIV-positive will be treated in the same manner as those employees suffering from any other disease which may affect their ability to work.

At the present time, the University does not require that any employee provide proof that he/she is free from HIV-infection. Therefore, knowledge of the applicant's HIV status is neither required when considering a candidate, nor a factor in selection should it become known.

Regarding students: the University will not discriminate against any student on the basis of HIV status. The University will not deny admission to any of its faculties or affiliated colleges to anyone with HIV infection, or require any such students to withdraw. Students with HIV infection shall be allowed regular classroom attendance in an unrestricted manner, as long as the student is capable. There is no medical evidence to suggest that the participation of an HIV-positive student in virtually any academic exercise will place either that student or others at risk.

Possible exceptions may exist within programs that require invasive procedures or exposure to body fluids, such as blood. Such programs may exist within the Health Sciences Faculties, or the Faculty of Physical Education. Where there is concern that a risk situation may exist, the program will be reviewed by the AIDS Policy Task Force, with the assistance of the Medical Officer of Health, and a determination of risk will be made. If there is a risk to others by virtue of an HIV-positive student's participation in some aspect of the curriculum, the University will attempt to modify the program insofar as this is academically possible. Such students will be counselled, regarding the advisability/feasibility of continuing in their academic programs.

Regarding student residences: There is no medical evidence indicating that HIV-infected individuals pose a risk to those in a shared living environment, and therefore, there is no reason that an HIV-positive student should be denied access to University residences. Indeed, the greater risk may relate to the infected individual's greater susceptibility to other, common types of infection. For this reason, HIV-positive students may wish to request private accommodation. All such requests will be considered on a case by case basis.

Policy Guideline 2.00

Any person who is infected with HIV, or who is perceived for any reason to be a potential carrier of the virus, has the right under the Human Rights Code to be free from discrimination or harassment while engaged in legitimate activities which are a part of University life.

Policy Guideline 3.00

An employee or a student who experiences discrimination or harassment because they are, or are perceived to be HIV-positive, should report this discrimination or harassment. Reporting on a confidential basis may be made through one of the physicians in the Health Services if the individual so chooses. In the event that confidentiality is not an issue, reporting may be made directly to the supervisor or to the Employee Relations Section of the Personnel Department.

Policy Guideline 4.00

The fact that an individual has or is perceived to have HIV infection is not a valid basis on which to dismiss an employee or to refuse to hire an individual as an employee.

Policy Guideline 5.00

An employee infected with HIV has the right to continue in his/her position so long as he/she is able to carry out the essential requirements of the position in a safe and competent manner. In the event that an employee is experiencing difficulty in meeting these requirements, the University will attempt to make reasonable adjustments, insofar as this is possible, to accommodate to the

individual's health status in order to make continued employment possible. It is assumed that persons in these circumstances will come forward with information concerning their health status so that reasonable adjustments can be made.

Policy Guideline 6.00

Since there is no evidence that HIV is transmitted through casual contact, there is no justification in an employee refusing to work with another employee who is infected with HIV, unless there is a real risk of transmission of body fluids in the normal course of employment.

Policy Guideline 7.00

Neither the University nor the affiliated colleges will deny admission to any faculty to anyone because he/she is infected with HIV, or is perceived for any reason to be a potential carrier of HIV. Nor will the University ask any student to withdraw from the University because he/she is infected with HIV, or perceived to be a potential carrier of HIV. There is no justification for a student to refuse to work with another student who is infected with HIV (subject to guideline eight, as below).

Policy Guideline 8.00

In the event that a student is unable to meet the requirements of a program due to the effects of HIV-infection, the program will be modified to the extent reasonably possible and academically feasible to enable the student to continue his/her studies. In the event a student infected with HIV is involved in a program in which significant risks arise by virtue of the student's participation, such modifications as are reasonable will be made to enable the student to safely participate in the program.

Policy Guideline 9.00

Students infected with HIV will not be discriminated against in the provision of student housing. However, it is recognized that such students may have special requirements and, where possible, all reasonable efforts will be made in order to protect the health and/or confidentiality of the HIV-infected student.

III- Education

The University is committed to comprehensive educational programs that inform students, employees, and the public about AIDS and its prevention. Due to the serious nature of AIDS many people have deep concerns about contracting the disease. While current medical opinion indicates that HIV-infection cannot be contracted through casual contact, employees and students in the health professions can encounter situations which pose some danger of infection. Through education, employees and students will gain insight into the nature of AIDS, its prevention and protective measures.

Policy Guideline 10.00

The University will develop and maintain current educational programs regarding AIDS for all members of its constituency: students, staff and faculty. These programs will be designed to be proactive and will emphasize prevention as the most effective approach to the control of infection at this time. The accessibility of these educational programs will be continually monitored, and materials will be updated to reflect the ongoing state of knowledge concerning this disease.

IV- Research

The University encourages biomedical, social sciences and behavioral research on the etiology, treatment and prevention of AIDS. This University is a repository of skilled personnel who may apply their research expertise in an effort to understand, prevent, and treat AIDS, and The University of Western Ontario encourages such research participation by its faculty.

Policy Guideline 11.00

The University is committed to the promotion and encouragement of research concerning AIDS through the provision of human and financial resources as it is able to do so.

Specific guidelines for the safe handling of research material that may be a source of infection from AIDS must be developed by each Faculty and Department that conducts research of this nature. These guidelines must adhere to the spirit of this Policy while providing specific instruction to protect the safety of laboratory personnel.

V- Testing Policies

Since nearly all educational and employment activities at Western involve casual contact where there is no demonstrated risk of transmission of HIV, the HIV antibody status of the vast majority of members of the university community is irrelevant. Mandatory testing of members of the university community at large is, therefore, not recommended.

Western recognizes that some of its members, such as health care providers, laboratory personnel working with HIV-infected materials, Western Special Constable Service, and those involved with athletic injuries, may be at an increased risk of HIV infection in the course of employment-related or educational activities. These members are encouraged to seek voluntary testing and counselling when HIV transmission is believed to have occurred. Mandatory testing for these "at risk" members is not recommended for many reasons including the limitations of current HIV antibody tests. Current tests measure antibody production to HIV and are, therefore, an indirect method of detecting infection. The host may require extended time to develop antibodies to HIV after infection (up to 12 months or longer) or may indeed carry the virus without an observed antibody response. The person is infected and infectious but is negative in the serological test. Therefore, a negative antibody response does not guarantee the absence of infection. Testing would need to be repeated on a regular basis to ensure that the individual has remained seronegative and therefore, presumably uninfected.

The University recognizes that some situations of service provision, employment or educational activities may place some members of the university community at an increased risk of HIV-infection. These situations would include the provision of health care services, laboratory work with live virus, assistance with athletic injuries and Western Special Constable Service work.

Policy Guideline 12.00

Mandatory testing for HIV infection is not a prerequisite for employment by the University nor for admission to any academic program. In principle, the University does not support mandatory testing, and therefore such practices will not be implemented. It does, however, recognize that circumstances may exist where individuals may wish to seek such testing due to the presumption of increased risk and they should be encouraged to do so. The University's role is one of providing counselling for those members who request it, and referral to appropriate testing resources (through family physicians) except in those cases in which occupational exposure is a factor.