

GRAYS HARBOR COLLEGE
Operational Policy

Subject: ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

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Acquired Immune Deficiency Syndrome (AIDS), a condition which renders the human immune system incapable of defending against certain unusual fatal illnesses, was first diagnosed as a distinct disease entity in 1981.¹ Since then it has emerged as a major public health problem that has an impact on all segments of society, including Grays Harbor College. In response to this public health problem, Grays Harbor College sets forth the following policy statement dealing with medical, legal and ethical questions posed by AIDS, and will undertake an educational campaign outlined in Administrative Regulation No. Q09.

The current state of the art from the medical profession indicates that students or employees with AIDS, ARC (AIDS-Related Complex), or a positive Human Immunodeficiency Virus (otherwise known as HIV, the virus that causes AIDS) antibody test do not pose a health risk to other students or employees in an academic setting. The HIV infection is thought to be transmitted by intimate sexual contact, and by exposure to contaminated blood through, for example, intravenous drug activity or blood transfusions. There has been no confirmed case of transmission of the HIV infection by any casual, ordinary household, office, or school contact. The U. S. Public Health Service is currently advising all citizens in its publications that, among other things, there is no risk created by living in the same house as an infected person, eating food handled by an infected person, being coughed or sneezed upon by an infected person, casual kissing, swimming in a pool with an infected person or, with proper precautions, caring for an AIDS patient.

The attached guidelines are drawn from the American College Health Association's "General Statement on Institutional Response to AIDS." They are conditioned on the veracity of the above medical facts. If these generally recognized facts change significantly,² then the guidelines are no longer valid.³ Recognizing this, the college will review the AIDS policy periodically and not less than once annually to update it in accordance with any changes being disseminated by the medical profession generally, by the United States Public Health Service or by the State Board of Health.

Administrative responsibility for implementing this policy is assigned to the dean for student services. The dean will consult with the AIDS Advisory Committee⁴ appointed by the president of Grays Harbor College. This committee may call upon other informed persons for assistance.

There is currently very little data concerning a lot of ancillary issues concerning the AIDS epidemic. General issues which in the future will have to be resolved with include areas such as negligence and intentional torts by an AIDS carrier, crimination sanctions and quarantine, health insurance, life insurance, confidentiality issues, discrimination against AIDS carriers, AIDS and the family, educating an AIDS carrier, and, of course, AIDS in the workplace.

In dealing with employees, students or related matters concerning AIDS, Grays Harbor College as a matter of policy will follow the following general principles:

1. The general rule is that legal and ethical considerations militate against the adoption of any policies or courses of action which would deny ordinary privileges and rights, including that of privacy, to members of the college community who are known or suspected to have AIDS, ARC, or a positive HIV antibody test.

2. Most college students who have AIDS, ARC, or a positive HIV antibody test, whether they are symptomatic or not, should be allowed regular classroom attendance in an unrestricted manner as long as they are physically able to attend classes.
3. The access of students with AIDS, ARC, or a positive HIV antibody test to college public areas will not be restricted.
4. Consideration of the existence of AIDS, ARC, or a positive HIV antibody test will not be a part of the initial admission decision for those applying to attend this institution. New students will not be required to respond to questions about the existence of AIDS, ARC, or a positive HIV antibody test. They are, however, encouraged to inform the dean for student services. These students will be referred for proper medical care and education.
5. Candidates for AIDS testing who are students on the Grays Harbor College campus will be referred to the Public Health Department by the dean for student services. Testing should not be done without pre- and post-counseling services.
6. Information regarding a patient's diagnosis as having AIDS or ARC or having tested positive to the HIV antibody test will be maintained in the strictest confidence possible. The number of people at Grays Harbor College who are aware of the existence and/or identity of students or employees who have AIDS, ARC, or a positive HIV antibody test will be kept at an absolute minimum. Grays Harbor College officials should make no attempt to identify those students or employees who have AIDS, ARC, or a positive HIV test. No person, group, agency, insurer, employer, or institution, faculty, administrator, or even a parent should be provided any medical information regarding AIDS, ARC, or positive HIV antibody tests without the specific written consent of the student. Grays Harbor College faculty, staff and administration must remember that all confidential medical information is protected by statutes and that any unauthorized disclosure of it may create legal liability.

The duty of Grays Harbor College officials to protect the confidentiality of information is superseded by the necessity to protect others only in very specific life-threatening circumstances. This duty of confidentiality is also superseded if federal or state public health reporting requirements for AIDS are enacted which require Grays Harbor College to submit the names of those with AIDS, ARC, or a positive HIV test to public health authorities.

7. Grays Harbor College encourages regular medical follow-up for those who have AIDS, ARC, or a positive HIV antibody test.
8. With regard to employees with AIDS, ARC, or a positive HIV antibody test, Grays Harbor College policy requires that each employment decision be made on the basis of job-related criteria. Care should be taken, however, to ensure that assigned duties can be carried out in a manner that safeguards the welfare of the individual with AIDS, ARC, or a positive HIV antibody test and of others. Medical separation may be pursued only if an employee can no longer perform the essentials of his/her job safely even with reasonable accommodation.

NOTES

1. AIDS itself is not the whole problem; many more people than have AIDS have a lesser form of the disorder, AIDS-Related Complex (ARC). Some people with ARC will progress to have AIDS. Furthermore, medical research indicates that there are many other apparently healthy people who have tested positive for the AIDS antibody (they are infected with the virus) but have no symptoms of AIDS.
2. A "significant" change in the generally recognized medical facts would occur if the virus that causes AIDS becomes transmittable through casual, ordinary contact.
3. The purpose of the guidelines is to provide the college community with a general direction with regard to resolution of AIDS issues. Grays Harbor College officials and employees are expected to abide by them unless the individual circumstances of a given problem strongly indicate that a different approach should be taken. In such cases, authorization from the dean for student services must be obtained before an approach contrary to these guidelines is taken.
4. This committee would act in an advisory capacity by providing the expertise needed to interpret new findings about AIDS that might influence decisions concerning the formulation or amendment of Grays Harbor College policies, and to address and resolve particularly sensitive or newly emerging issues.