



TEXAS SOUTHERN UNIVERSITY  
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources  
AREA: Safety

Procedure 02.06.03

**SUBJECT: Communicable Diseases Policy**

I. PURPOSE AND SCOPE

The purpose of this Communicable Disease Policy is to educate the faculty, staff and students of Texas Southern University (the "University") on the prevention of the spread of HIV/AIDS on the University's campus, safeguard the rights and privileges of students and employees, and to promote a safe educational and working environment.

II. DEFINITIONS

- A. Communicable Disease: Any disease having serious, deleterious effects on human health, and which are transmitted and spread through various forms of human contact, which can pose a considerable threat to the well being of the University community. Communicable diseases include, but are not limited to:
- Hepatitis A and B
  - HIV/AIDS
  - Measles
  - Meningitis
  - Mumps Rubella
  - SARS
  - Tuberculosis
- B. Under state law, "HIV" means the Human Immunodeficiency Virus, and "AIDS" means Acquired Immune Deficiency Syndrome as defined by the United States Centers for Disease Control of the United States Public Health Service. For purposes of this policy, the term "HIV infection" applies to all forms of HIV infection, including AIDS, as well as individuals perceived to have any form of HIV infection.
- C. The term "facilities" as used in this policy includes, but is not limited to, classrooms, office buildings, residence halls, Student Center, theaters, eating facilities, gymnasiums, swimming pools, and recreation facilities, or other such common areas within the University.

**III. STANDARDS OF CONDUCT**

- A. Texas Southern University recognizes the serious implications of communicable diseases on campus and shall take all appropriate measures to protect the University community from the spread of contagious and infectious diseases.
- B. The University shall consider the welfare of the campus community while respecting the privacy and needs of individuals.
- C. The University shall operate under the direction of sound medical advice and practice based on current applicable information.
- D. The University shall provide all members of the University community with educational opportunities that foster an understanding of disease transmission and prevention.
- E. The University shall provide appropriate, compassionate and non-discriminatory services for persons living with infectious disease(s).
- F. The University shall abide by all applicable state and federal laws and guidelines as well as University policy that relate to communicable diseases.
- G. When circumstances arise that require review, the Dean of Students and the University Chief Operating Officer will convene a Public/Student Health Committee, consisting of appropriate faculty and staff members. This committee will assist the Dean of Students and Chief Operating Officer in coordinating the university's efforts to fulfill its responsibility concerning public health. In carrying out its tasks, the committee shall follow the guidelines of recognized authorities including: The National Center for Disease Control, the United States Public Health Service, the Texas Department of Health, and the American College Health Association. Further, the committee shall ensure that its actions comply with the Texas Communicable Disease Prevention and Control Act and other applicable laws.
- H. In the event of public inquiry concerning university policy on public health or health-related matters at the University, the Director of Communications, or their designee, will serve as the official spokesperson for the university. The Director of Communications should consult with the Office of General Counsel prior to releasing any information regarding a public-health matter. Medical records of individuals shall remain confidential, but public information shall be disclosed upon request in accordance with the Texas Open Records Act and the Family Educational Rights and Privacy Act. Requests for such information should be referred to the university's general counsel.


## IV. POLICY PROVISIONS

- A. Persons with HIV infection, in any form, will not be excluded from or restricted in admissions, enrollment, employment (including benefits, promotion, and other terms and conditions of employment), access to University services and facilities, or from participation in the full range of University activities, unless medically-based judgments in individual cases establish that some exclusion or restriction is necessary to protect the individual or the University community. This policy applies to faculty, staff and students.
- B. With respect to HIV infection, Texas Southern University is committed;
  - 1. to protect the rights of all members of the University community;
  - 2. to educate students and the University community about HIV disease;
  - 3. to provide a humane response to those with any form of HIV infections; and,
  - 4. to take every reasonable precaution to provide a safe environment on campus.
- C. Current medical knowledge and experience establish that HIV infection does not pose a health risk in ordinary academic, occupational or residential environments. HIV is not easily transmitted.
- D. HIV infection is a disabling condition under applicable federal, state, and local laws (e.g., Americans with Disabilities Act, Sections 503 and 504 of the Rehabilitation Act of 1973), and University policies.
- E. Each case related to HIV infection will be reviewed by appropriate University officials on a case-by-case basis and reasonable accommodations will be made.
- F. University officials will make every effort to ensure confidentiality of the identity of individuals with HIV infection, and their medical information, to the extent allowed by law.
- G. In furtherance of the University's efforts, it has been determined that the policy shall consist of the following programmatic features:
  - 1. An educational program
  - 2. Appointment of a Committee for Communicable Diseases
  - 3. Guidelines for the proper handling of medical information/confidentiality
  - 4. Non-Discrimination and Anti-Harassment Statement
  - 5. Statements regarding Student and Employee Rights
    - i. Admission and Hiring
    - ii. Participation, Employment, and Access to Facilities and Services
    - iii. Athletic and Recreation Programs
    - iv. Prohibition Against Inquiries and Mandatory Testing
    - v. Residential housing
    - vi. Counseling
  - 6. Occupational safety

7. Responsible behavior

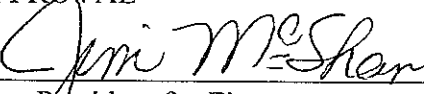
H. For a detailed description of the University's effort relative to the HIV/AIDS components of this policy, please refer to Appendix A.

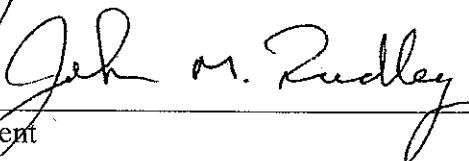
V. REVIEW AND RESPONSIBILITIES

Responsible Party: Executive Director of Human Resources  6/15/09

Review: Every three years, on or before September 1

VI. APPROVAL

  
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Vice President for Finance

  
\_\_\_\_\_  
President

Effective Date: 06/24/09

**APPENDIX-A****Description of University Efforts in Relation to  
HIV/AIDS Components****A. Educational Program**

1. The University has a responsibility to insure that every member of the University community receives adequate HIV/AIDS education in order to minimize the spread of infection, alleviate anxiety or fear and insure that informed decision-making concerning HIV infection takes place. When presented with a situation concerning HIV/AIDS, the University shall be concerned with the rights and health of the individual and within the general well-being of the University community.
2. The University shall implement a comprehensive HIV/AIDS Education Program that shall include the dissemination of information concerning the nature of and transmission of HIV infection; its prevention, detection and treatment; and the resources available for prevention, detection, counseling and referral. Specifically, the University will disseminate this information through pamphlets, by conducting seminars and workshops, and by providing counseling and/or referral services.
3. Realizing the sensitive nature of subject matter pertaining to HIV infection, the procedure for implementing this educational program shall be prescribed by the University Administration.

**B. Committee for Communicable Diseases**

1. The University shall establish a Committee for Communicable Diseases to review and make recommendations on issues that may arise because a student or employee has a serious communicable disease such as HIV infection. The committee shall consist of the University Physician; the University Counsel; the Director of Human Resources (for employees) or the Dean of Students (for students); the department head to whom the student or employee reports; and, if the student or employee so requests, a private physician chosen by the student or employee. Each situation will be reviewed on a case by case basis. The American College Health Association's AIDS policy and applicable federal and state laws and regulations shall serve as guidelines for the Committee's actions. Recommendations shall be given directly to the appropriate University administrative staff as determined by the University Physician and University Counsel.

2. The individual involved shall be informed of any pending inquiry and be given an opportunity to present facts or relevant information. The identity of the individual involved may not be disclosed to the committee or others without written consent of the individual. All information received and/or generated by the Committee must remain confidential.

C. Statement of Confidentiality and Proper Handling of Medical Information

1. The University has the responsibility of obtaining information needed to protect the health of all members of the University community while respecting the confidential nature of an individual's medical status. It is also the responsibility of the appropriate staff or faculty member to discuss with an infected individual the need to notify the University physician about a situation concerning a serious communicable disease such as HIV infection and to encourage such notification. The responsibility for dealing with each case lies with the University Physician, who will work with the individual to determine the appropriate course of action. In any event, the University is legally and ethically required to refrain from releasing any information pertaining to a person diagnosed as HIV-positive. Knowledge of any person so infected will be confined to those persons with a direct need to know as determined by the medical and legal staff. However, the University shall comply with Federal, State and local laws, regulations and policies regarding the reporting of certain information to appropriate health authorities. This information shall in no way include the name (identification) of the infected persons (student or employee).
2. No specific or detailed information concerning complaints or diagnosis should be provided to faculty, administrators, or parents, without the express written consent of the patient in each case. This position with respect to health records is supported by the Family Education Rights and Privacy Act of 1974. Further, no information about a student or employee of the University with HIV infection will be entered into non-medical, education, or employment records without the knowledge and written consent of the student or employee. The University Physician and University Counsel shall serve as official spokespersons on issues regarding serious communicable diseases such as HIV infection.

Knowledge of a persons' HIV status should be treated in a confidential manner by all members of the University community. Any University personnel with legitimate and necessary access to information regarding individuals with HIV or AIDS, on a continuing basis, will be made aware of the requirement to safeguard confidential information. In addition, the following guidelines are in effect at Texas Southern University:

(A) **Release of information/Legal liability:** All University personnel with access to information regarding individuals with HIV/AIDS must remember that all confidential medical information is protected by law and that any unauthorized disclosure of such information may create legal liability against the individual disclosing the information and against the University.

(B) **Need to Know:** The number of persons in the University who are aware of the existence and/or identity of students or employees with HIV/AIDS should be kept to a minimum, to protect the confidentiality and the privacy of the infected persons and to avoid the generation of unnecessary anxiety among other students and staff.

(C) **Informing other students or employees:** No medical or other compelling reason exists for the University to advise students or employees of the identity and/or presence of persons with HIV/AIDS who may be attending classes, residing in University housing, or performing work assignments and the like. Providing confidential information about persons with HIV/AIDS without such persons' prior consent may create legal liability (against the individual disclosing the information and against the University) and lead to the harassment of or discrimination against persons with HIV/AIDS.<sup>1</sup>

D. Non-Discrimination and Anti-Harassment Statement

1. As a result of the fear, anxiety, and anger that many people feel in reaction to AIDS, some students or employees who are either known to be or suspected of being infected with HIV may be subjected to discrimination and/or harassment. It is the policy of the University that discrimination and/or harassment against those with, suspected of having, or associated with people known to have HIV/AIDS, will not be tolerated. Those members of the University community who engage in such actions will be disciplined in the same manner as individuals who engage in other forms of discrimination and/or harassment.
2. Should an employee believe that he or she has been discriminated against and/or harassed on the basis of HIV/AIDS status, the employee should follow the procedures set forth in the Employee Complaint and Grievance Policy. Likewise should a student believe that he or she has been discriminated against and/or harassed on the basis of HIV/AIDS status, the student should follow the Student Grievance Procedure.

E. Statements Regarding Student and Employee Rights

The University recognizes that students and employees who have or may be perceived as having AIDS may wish to continue in their normal academic and/or work activities as long as their physical condition allows them to do. No difference in treatment should be accorded these individuals so long as they are able to do acceptable academic work or meet work standards, and so long as medical evidence as initially reviewed by the University physician indicates that their condition is not a threat to themselves or to others. Students and employees have the following legal rights:

1. Admission and Hiring

Consideration of the existence of HIV infection will not be part of the initial student admission decision for those applying to enroll at the University nor the hiring decision for those individuals applying for employment.

2. Participation, Employment, and Access to Facilities and Services

Students or employees infected, or who may become infected, with the HIV virus will not be excluded from enrollment, class attendance, or 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 University physician and the Committee for Communicable Diseases with the approval of the appropriate Vice President, establish that exclusion or restriction is necessary for the welfare of the individual or other members of the University community. The University will make reasonable accommodations to assist students or employees with HIV as it would other students or employees with disabling conditions.

3. Athletic and Recreation Programs

Students with HIV infection who are capable of vigorous sports activity will not be restricted with regard to recreational, intramural, or intercollegiate athletic participation. Students are encouraged to seek advice from a medical provider regarding recreational, intramural, or intercollegiate athletic participation.

Sports participation does not present sufficiently clear danger to another individual to warrant unauthorized disclosure of confidential information by a health care provider to a coach or athletic trainer. In the event of significant injury or illness, student athletes are encouraged to inform the head athletic trainer if they have tested positive for HIV. The University supports the position of the American College Health Association that whether a particular student should continue athletic competition or maintain training routines should be based solely on a competent evaluation of the athlete's overall health and fitness. (Source: AIDS on the College Campus, ACHA 1989).



4. Prohibition against Inquiries and Mandatory Testing

Employees, applicants and students who identify themselves to any University official as being HIV positive should be encouraged to inform the University Physician in order to receive proper medical advice and counsel. The University will not undertake programs of mandatory testing or screening of students or employees for HIV, nor will there be routine requirements that students or employees be asked to respond to questions about the existence of AIDS, ARC or positive HIV antibody tests. Any individual who desires to be tested for HIV may contact the Student Health Center for information on the location of a facility which provides such testing. Any testing of persons for HIV will be voluntary, anonymous and done with informed consent and should include pre and post test counseling.

5. Residential Housing

The best currently available medical information does not support the existence of a risk to those sharing residence halls with infected individuals; there may be, however, in some circumstances, reasonable concern for the health of those with immune deficiencies (of any origin) who might be exposed to certain contagious diseases (e.g., measles or chicken pox) in a close living situation. Decisions about housing of students with HIV infection will be made on a case-by-case basis.

6. Counseling

- a. Clinicians in health services and the counseling center will make provisions for medical, psychological, and support services which promote the best physical and mental health of persons with HIV infection. The University will organize these resources prior to their need to avoid causing anxiety and distress individuals requiring assistance. If these services are beyond the scope of comparable services provided on campus, the University will identify other care providers to whom the individual may be referred.
- b. The evolution of antiviral or immunomodulating therapies for HIV infection requires that campus health care providers be aware of current developments and practices in immunologic evaluation and treatment. If these services are beyond the scope of patient care services offered on campus, health officers should be able to refer students or employees to other facilities.

**F. Occupational Safety**

The University will continue to adhere to the Occupational Safety and Health Administration ("OSHA") guidelines, and will adhere to the safety recommendations from the Centers for Disease Control of the United States Public Health Service.

**G. Responsible Behavior**

Persons who have a reasonable basis for believing or who know that they are infected with HIV are expected to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly for the protection of other members of the community.

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<sup>1</sup> Source: AIDS on the College Campus, ACHA at p. 114 (1989).