

**District Board of Trustees
Policy (BOT)**



Policy Title: HIV/AIDS

Policy Number: 6Hx6:2.15

Specific Authority:

Florida Statute 1006.68
Florida Administrative Code

Policy Approved: 04/24/18

Policy:

(1) For purposes of this policy, an infected individual includes a person diagnosed as having Acquired Immune Deficiency Syndrome (AIDS); or a person who is determined to be positive for the Human Immunodeficiency Virus (HIV) but who has not developed the symptoms of AIDS. Florida SouthWestern State College recognizes that discrimination against such individuals is expressly prohibited by federal and state law.

(2) In accordance with law, the College will offer students and employees with AIDS/HIV the same opportunities and benefits offered to other students and employees and such individuals shall not be denied the benefits of, or otherwise be subjected to discrimination under any College program or activity. At the same time the College shall attempt to balance the rights of such infected individuals to an education and to employment at the College against the rights of other students and employees to an environment in which they are protected from contracting the disease.

A. Employees:

1. The College shall not require an individual to take an HIV test as a condition of hiring, promotion or continued employment unless the absence of HIV is a bona fide occupational qualification for the job in question.

2. The College shall not fail or refuse to hire or discharge any individual, segregate or classify an individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual on the basis of the results of an HIV test unless the absence of HIV is a bona fide occupational qualification for the job in question.

3. The College will not require an infected individual to cease working on the basis of a diagnosed infection unless such person has been determined not to be otherwise qualified based on a determination that no reasonable accommodation can be made

to prevent the likelihood that the individual will, under the circumstances involved, expose other individuals to a significant possibility of being infected with HIV or to enable such person to perform the essential functions of the job.

4. An employee who informs the College that he/she has HIV/AIDS shall be accorded confidentiality regarding disclosure of the medical condition consistent with state and federal law.

5. In instances where an infected employee is unable to fulfill their regular responsibilities, or portions of these responsibilities, but is able and desires to continue working in a less physically demanding capacity, the College shall make a reasonable effort, if requested, to accommodate the employee's physical disability and ensure "reasonable" efforts to accommodate the special needs of an employee with AIDS and AIDS related diseases unless the accommodation places "undue burdens" on the College.

B. Students:

1. The College will not deny the admission or continued attendance nor participation in College programs or activities by an otherwise qualified student on the basis of a known or suspected with AIDS/HIV infection unless a determination has been made that no reasonable accommodation can be made to prevent the likelihood, under the circumstances involved, that such admission, attendance, or participation will expose other individuals to a significant possibility of being infected with HIV or to enable such persons to meet the substantial requirements of the educational program.

Anyone who believes they have been subject to unlawful harassment or discrimination is encouraged to contact the College's Equity Officer.