

3033.

ADMINISTRATIVE REGULATIONS
ON ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

3033.1 It shall be the responsibility of the Director of Staff Diversity/Affirmative Action to administer the AIDS policy.

3033.2 Definitions of Terms

- A. AIDS: Acquired Immune Deficiency Syndrome.
- B. AIDS Related Complex (ARC): a condition that is usually less life-threatening than AIDS which may progress to AIDS.
- C. Human Immunodeficiency Virus (HIV): the virus that causes AIDS.
- D. HIV test: any clinical laboratory test approved by the Federal Food and Drug Administration for HIV, a component of HIV, or antibodies to HIV.

3033.3 The District shall treat all employees and students equally, regardless of whether they are HIV positive, have acquired immune deficiency syndrome (AIDS) or AIDS Related Complex (ARC) or are perceived to have AIDS or ARC. The Long Beach Community College District will immediately investigate any incident of discrimination such as, but not limited to, harassment, psychological, and/or physical abuse involving students or employees who have or may have AIDS/ARC in accordance with the District's Policy on Allegations of Unlawful Discrimination (3002).

3033.4 Anyone subjected to alleged unlawful discrimination should pursue the matter through the informal or formal procedures outlined in the Allegations of Unlawful Discrimination Policy. The District's Policy on Allegations of Unlawful Discrimination (3002) provides for the investigation of unlawful discrimination in the District's programs or activities.

3033.5 Coordination of Activities

- A. The Director of Staff Diversity/Affirmative Action shall serve as the public spokesperson who can answer questions about the AIDS policy and procedures. The Director of Staff Diversity/Affirmative Action shall be familiar with the details of the District's AIDS education program and the applicable statutes and policies regarding confidentiality of records.
- B. The Director of Staff Diversity/Affirmative Action's responsibilities shall include but not be limited to addressing the social questions, civil rights issues, educational and training needs of employees and students, and public health considerations surrounding the disease.
- C. The Director of Staff Diversity/Affirmative Action shall be responsible for monitoring and evaluating the effectiveness of this policy and its procedures.

3033.6 Medical records and medical information of a student and employee are confidential, and cannot be released to the public in the absence of consent or appropriate legal process and/or justification, such as that provided under California Education Code, subsection (b) of Section 76243, which authorizes the release of confidential information to state or federal education officials for purposes of evaluating or auditing programs; and Section 76243(a), which authorizes release of confidential information to other officials of the same institution where required by a legitimate educational interest.

3033.7 Rights, Access, and Procedures

- A. No individual shall be required to answer questions about whether he or she has AIDS/ARC or to undergo antibody testing or other AIDS/ARC medical testing/screening as a condition of employment, promotion or enrollment.
- B. Individuals with concerns about AIDS, or about the presence of persons with AIDS, shall be directed to counseling and/or referral to appropriate community resources.
- C. Under civil law, peace officers, emergency medical personnel, or the employing agency, officer, or entity may petition the court to require an AIDS test of individuals charged in a criminal complaint where biting, scratching, spitting, or the transference of blood or other bodily fluids may have occurred.
- D. An individual with AIDS, ARC, or a positive HIV-antibody test result shall not be denied employment, promotion, enrollment and/or attendance for instruction, or participation in curricular or co-curricular activities, as long as he/she is able to perform according to respective standards for each position.
- E. Individuals identified as having AIDS or ARC are considered disabled under state and federal law and shall be provided with appropriate accommodations necessary to meet their disability-related needs provided that:
 - 1. an employee notifies the District that such an accommodation is necessary; and
 - 2. the accommodation is reasonable, as construed by applicable law.
- F. The District shall not deny a person who has AIDS/ARC any benefits or services for which he/she is eligible. Institutional policies on sick leave, leaves of absence, disability insurance, and all other personnel policies shall apply to those with AIDS, ARC or positive HIV test results in the same manner as for any other employee with a disability or illness.

3033.8 Infection Control Precautions

- A. For the protection of employees and students, the District's Health Services shall inform employees and students of the universal precautions following the Centers for Disease Control Guidelines in the handling of blood, blood products, and body fluids.
- B. The District's Health Services shall provide students, faculty, and staff with current information on AIDS/ARC.