



A General Principles

- 1) The University regards adherence to the upholding of basic human rights and human dignity as of fundamental importance, in accordance with the European Convention of the Protection of Human Rights and Fundamental Freedoms (ECHR) and the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (Article 1).
- 2) The University accepts that it has a role and responsibility to make available education, information and advice on HIV/AIDS.
- 3) Staff and students with HIV or who have developed AIDS will be treated no differently from other employees or students who have similar potentially serious medical conditions.
- 4) People with HIV have a duty to act responsibly in all circumstances.
- 5) The University, in accordance with the United Kingdom Declaration of the Rights of People with HIV and AIDS, holds that staff and students with HIV or with AIDS have a right to protection from discrimination.
- 6) Staff or students who harass people with HIV or with AIDS, thereby discriminating against them under ICCPR art.2 and art.26 and ECHR art.14 will be subject to usual University disciplinary procedures.
- 7) This University policy should be subject to review every two years and where necessary in exceptional circumstances.

B Basic facts about HIV and AIDS

A virus known as HIV (Human Immunodeficiency Virus) causes the disease Acquired Immune Deficiency Syndrome (AIDS). The virus damages the body's immune defence against a range of infectious diseases and cancers. The rate of progression of this damage to the body's defence varies tremendously. People with HIV who are receiving regular treatment can have the same life expectancy as someone without HIV and, therefore, will be able to sustain work requirements. Antiretroviral therapies have enabled suppression of HIV to undetectable levels. An individual who is taking therapies and has an undetectable viral load (used to measure the amount of virus within the body) cannot transmit the virus to another individual. This is known as U=U (Undetectable=Untransmissible). People with HIV may require time to attend healthcare appointments and, in times of ill health, may have short periods of absence from work for recovery.

HIV is transmitted from person to person by:

- i. unprotected sexual intercourse
- ii. mixing of blood through sharing of needles and injecting equipment of injecting drug users or via blood transfusion in countries where donated blood is not screened for HIV
- iii. passage from infected mothers to their children during pregnancy, at birth or, very rarely, during breast feeding
- iv. needle stick injury or abrasions in health care settings

HIV is not spread by usual social contact, through for example sharing workplace or study facilities, including the use of lavatories, wash basins, cups, glasses and cutlery etc.

C Confidentiality

- 1) Medical and other health and related professionals are bound by professional codes of conduct regarding confidentiality. These strict codes apply to the disclosure of HIV status of staff and of students. Any officer of the University, member of staff or a student, who discloses without

consent confidential information given by an employee or student with HIV to any third party, could be subject to legal action for breach of confidence (see explanatory notes).

- 2) Staff and students will not be obliged to disclose HIV status (see F.4).
- 3) Documentation on the HIV status of staff or students must be treated confidentially. Such documentation will be stored with due care and attention and in accordance with the Data Protection Act (1987).

D Employment and Student Selection

- 1) Prospective and existing staff and students are not required to submit to tests for the virus.
- 2) University conditions of service will apply to all employees without discrimination.

E Health Care, Counselling and Support

- 1) Cripps Health Centre, University Park, will provide confidential expert advice, guidance and referral for all health-related concerns of staff and students registered with the Centre.
- 2) The University Counselling Service will offer confidential counselling to all staff and students, with and without HIV or AIDS.

F Information and Education

- 1) This University HIV and AIDS Policy will be made available to all existing and new officers of the University, members of staff and students.
- 2) Information about HIV and AIDS will be made available to all existing and new officers of the University, members of staff and students.
- 3) Information will not contain discriminatory or prejudicial language.
- 4) Information on HIV-testing regulations and restrictions for staff and students in health-related disciplines or travelling to teach and-or study overseas should be available for consultation.
- 5) A list of contact personnel and agencies within and outside the University will be made available to all staff and students.

Explanatory Notes

Confidentiality

A legal duty of confidentiality arises when confidential information comes to the knowledge of a person (the confidant) in circumstances where he or she has notice, or is held to have agreed that the information is confidential. Legal action may be taken against a confidant who breaches confidentiality if:

- 1) The information had the necessary quality of confidentiality about it.
- 2) It was imparted in circumstances implying an obligation of confidence.
- 3) There has been unauthorised use of the information to the detriment of the party or parties concerned.

The legal duty of confidentiality was established by Attorney-General v Guardian Newspapers Ltd (No 2) 3 All ER 545.

Under the regulations of the General Medical Council (GMC), all doctors are bound not to disclose to any third party information about an individual that they learned in their professional capacity, directly from a patient or indirectly (GMC Guidance for Doctors on Professional Confidence, GMC, London, November 1991).