

UNIVERSITY OF KWAZULU-NATAL HIV/AIDS POLICY

Developed by The University Of KwaZulu-Natal AIDS Programme

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1. BACKGROUND

South Africa is facing one of the most serious challenges since the demise of apartheid, in the form of HIV/AIDS. The University of KwaZulu Natal (UKZN) is situated in one of the Provinces most affected by this pandemic where the high prevalence of HIV/AIDS is placing a huge demand on all sectors of service delivery, economic development, teaching and learning.

The University therefore, through this policy is committed to ensuring that its interventions of prevention, treatment, care, support and research actively address the ravages of the epidemic and help both staff and students to deal with its impact in a realistic and meaningful way.

Through its core competencies UKZN aims to ameliorate the impact of HIV/AIDS within the University, and within the broader community. It will develop policies and practices based on principles of respect for human rights and dignity of people. The fundamental principle at UKZN is that of a comprehensive approach to HIV/AIDS with educational and preventive interventions as the foundation activities to safeguard the interests of the University of KwaZulu Natal, its staff and students.

This policy should be read in conjunction with the UKZN HIV/AIDS Plan. This policy and the Plan express the University's recognition of its responsibility to facilitating access to HIV and AIDS information, prevention, treatment, care and support services for all staff and students, including direct provision of these services where available resources permit.

Furthermore, this policy is the University's commitment to the development of a working and learning environment that is free of unfair discrimination, stigmatization of HIV, and where people living with HIV/AIDS are assured of their rights being upheld and protected.

The University is further committed to applying the same statutes, policies, procedures and regulations to students, student and employee applicants, with HIV/AIDS as are applied to persons with other disabling conditions.

2. LEGAL FRAMEWORK

The University of KwaZulu-Natal recognizes the existing legislation within South Africa which applies to HIV/AIDS, and in terms of which this policy shall be applied.

2.1 This legislation includes, but is not limited to:

- The Constitution of South Africa, Act 108 of 1996;
- The Code of Good Practices December 1, 2000 on key aspects of HIV/AIDS ;
- The Employment Equity Act 55 of 199;
- The Labor Relations Act 66 of 1996;
- The Occupational Health and Safety Act 85 of 1993; and
- The Compensation for Occupational Injuries and Diseases Act 130 of 1993.

2.2 International instruments including, but not limited to:

- The Universal Declaration of Human Rights;
- The Human Rights Charter; and
- The African Charter of Human and Peoples Rights.

2.3 National policy developments including, but not limited to:

- The Department of Education National Policy on HIV & AIDS; and
- Department of Labour Guidelines to Employers.

3. DEFINITIONS

3.1 The Policy means the University of KwaZulu-Natal HIV/AIDS Policy.

3.2 The University means the University of KwaZulu-Natal.

3.3 Staff member refers to all those appointed on University Conditions of Service. (It excludes external contractors, visitors and honorary appointments).

- 3.4 A student means a person registered at the University of KwaZulu Natal for purposes of studying of which the possession of a valid University identity card is essential.
- 3.5 HIV means the Human Immunodeficiency Virus.
- 3.6 AIDS means the Acquired Immune Deficiency Syndrome, the latter phase of HIV infection.
- 3.7 Voluntary Counseling and Testing (VCT) means testing an individual for HIV voluntarily with the individual's permission, where such testing includes counseling before and after the test.
- 3.8 Confidentiality means keeping information private. Such information is protected by ethical, professional and legal considerations.
- 3.9 Informed consent means giving permission without coercion by an individual with full knowledge and understanding of the implications of giving such permission.
- 3.10 Post-exposure Prophylaxis (PEP) is the administration of antiretroviral medication to a person who has been exposed to HIV or risk of, to prevent transmission of the disease. The provision of Post-exposure Prophylaxis is without prejudice to the University of KwaZulu-Natal.
- 3.11 Unfair discrimination refers to any direct or indirect discrimination against anyone on the basis of their HIV status and/or one or more, but not exclusive to the grounds listed in section 9 (3) of the Constitution of South Africa "...race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth".
- 3.12 Universal precautions are standardized infection control and prevention measures, which limit the potential for the transmission of HIV from one person to another through contact with infected materials.

- 3.13 University AIDS Committee (UAC) is a consultative, representative body, that oversees and monitors the implementation of the UKZN HIV/AIDS Plan and policy; and reports to the University Senate.
- 3.14 University AIDS Strategy Development Committee means the sub-committee of the University AIDS Committee responsible for providing technical expertise to the University AIDS Committee and the AIDS programme by continually updating the Plan in light of new information and discoveries.
- 3.15 Campus HIV/AIDS Working Groups (CHAWG) means a multi-stakeholder body in each campus responsible for HIV and AIDS activities and awareness campaigns in each campus.

4. OBLIGATIONS AND RESPONSIBILITIES OF THE UNIVERSITY

The University of KwaZulu-Natal has an obligation to provide a safe working and study environment where employees and students living with HIV and AIDS are free from stigma and unfair discrimination, exposure to HIV is minimized, and to organize ongoing awareness and prevention activities for students and staff.

- 4.1 The University is committed to protecting the human rights and dignity of people living with HIV and AIDS and to creating a balance between the rights and responsibilities of those infected and affected.
- 4.2 Staff and students will not be denied, directly or indirectly, opportunities to further their goals and objectives professionally or academically on the basis of their HIV status or disabling conditions.
- 4.3 The University may require a student or staff member to take leave of absence, in the interests of protecting the health and welfare of staff and students generally. If an individual's HIV status develops any symptoms that pose a health risk to the well being of other students or staff members, normal procedures as stipulated in

the Occupational Health and Safety Act and those regarding leave of absence shall be applied.

- 4.4 Any special measures taken by the University in respect of a student or staff member's HIV and AIDS status or condition will be based on objective medical facts and should promote equality, and between HIV/AIDS and other comparable health/medical conditions and not encourage unfair-discrimination between individuals with HIV infection and those without.
- 4.5 Departments or units whose academic and research programs involve risk of exposure to HIV contaminated blood and body fluids are responsible for the education and training of those potentially at risk.
- 4.6 Disciplinary action will be taken against any student or staff member who willfully undermines the safety, privacy and dignity of another person on the basis of their known or perceived HIV status.

5. OBLIGATIONS AND RESPONSIBILITIES OF STUDENTS AND STAFF

Members of the University Community have the responsibility to protect themselves and others from HIV infection through all means possible and to become informed about all aspects of HIV/AIDS prevention, care and support, and alleviation of impact.

- 5.1 Students and employees living with HIV and AIDS are ethically, morally and legally obliged to behave in such a way as to pose no threat of infection to others. They are urged to seek medical advice to ensure they live as healthy, normal and productive a life as possible.
- 5.2 All members of the University community including those with HIV and AIDS are expected to perform the duties assigned to them. Unless medically justified, no student may use their HIV/AIDS status as an excuse for absence from scheduled classes, assignments and tests, examinations, study/course requirements or other

academic activities. Likewise no member of staff shall use their HIV/AIDS status, unless medically justified, as an excuse for failing to come to work or complete duties.

6. EMPLOYMENT AND STAFF

The University will not require pre-employment or conduct compulsory testing for HIV among staff, but will promote a non-discriminatory workplace in which people living with HIV or AIDS are able to be open about their HIV status without fear of stigma or rejection.

- 6.1 All staff will be encouraged to go for Voluntary Confidential Counseling and Testing (VCT). The University may implement special VCT programmes to provide scientific information to monitor and assess the impact of the University's HIV/AIDS Plan in order to help with the improvement of existing intervention programmes. Such testing will be implemented within current ethical legal rules and guidelines.
- 6.2 The HIV status of a prospective staff member shall not be an adverse consideration for the purposes of the selection of such staff member by the University and neither shall any member of staff be dismissed, denied benefits or their contract or employment discontinued on account of their HIV status, provided the staff member is able to work normally and effectively.
- 6.3 If and when a staff member with HIV or AIDS becomes medically unfit to continue working under normal conditions, current legal provisions for alternatives will be followed. If, however, the person is no longer able to work, the appropriate provisions in the conditions of service relating to termination of work on medical grounds and standard UKZN's disability and incapacity procedures shall be invoked.
- 6.4 The HIV status of staff shall not be a consideration in respect of staff training and development, promotions and the awarding of financial aid or staff loans, where such loans are permitted and applicable.

- 6.5 Any transfer of a staff member on the basis of their HIV status shall be done, in consultation with the staff member, where this clearly serves and is in the best interests of such staff member.

7. ADMISSIONS AND STUDENTS

The University of KwaZulu-Natal is opposed to HIV testing of prospective, or returning students, for the determination of admission, or readmission suitability generally, nor shall the HIV status of such students be deemed relevant for the purposes of the selection of such students to the University.

- 7.1 Known HIV status will not be a consideration in the awarding of financial aid to students, nor is testing for HIV in respect of the awarding of student loans a prerequisite.
- 7.2 A student who has failed to successfully fulfill their previous academic requirements as a direct result of being affected or infected with HIV & AIDS, and has accordingly been academically excluded from the University, shall have the same rights as all other students who have been excluded on academic grounds.
- 7.3. A student who has failed to fulfill their academic or financial requirements as a result of being affected or infected with HIV & AIDS and, as a consequence been denied financial assistance by the University, shall have the same rights as all other students who have been denied financial assistance.
- 7.4 Students with HIV & AIDS are expected to attend classes in accordance with the University's rules and requirements for as long as they are able to do so effectively. HIV & AIDS related illness should be considered under medical advisement if a student is unable to fulfill the requirements of his/her learning obligations.
- 7.5 HIV status will not be a valid ground for exclusion from the University

8. CONFIDENTIALITY AND DISCLOSURE

The University shall not coerce any staff or student to disclose their HIV status but will treat any disclosure of positive HIV status in strict confidentiality and prohibit discrimination and victimization on that basis.

- 8.1 When a staff or student voluntarily discloses his/her positive HIV status, the information may not be disclosed to others including management or supervisors without the individual's written consent. However individuals will be encouraged to consider shared confidentiality in order to enable them to get assistance that they may require.
- 8.2 Voluntary disclosure of a staff member's or student's HIV status to the appropriate authority is encouraged and will be protected. Management will ensure an enabling environment in which the confidentiality of such information is ensured and that unfair discrimination is not tolerated.
- 8.3 Any breach of confidentiality shall be subject to the fullest extent of the legal remedies available, and the University will assist in ensuring that confidentiality is protected.

9. EDUCATION AND AWARENESS

The University shall continue to prioritize prevention interventions as key to mitigating the impact of the pandemic through initiatives and activities which inform staff and students of HIV and AIDS issues. This will include workplace programmes for staff, provision and promotion of VCT for staff and students in all campuses, increasing accessibility of condoms and treating sexually transmitted infections.

- 9.1 Information, education, and communication material relating to HIV & AIDS shall be made available to students and staff through the campus HIV/AIDS Support

Units in each campus. Staff members and students will be encouraged to become involved in HIV & AIDS initiatives and activities on campuses and in their communities.

9.2 All new students and employees will be invited to participate in awareness campaigns during orientation and induction days and the University will maintain, as part of its website, information on HIV/AIDS activities, and links to local and international organizations.

9.3 Important international and national calendars days and other relevant commemorative days will be used to raise AIDS awareness and provide AIDS education.

10. COUNSELING, CARE AND SUPPORT

Staff and students will have access to free VCT services on-campus, and the University encourages staff and students to know their HIV status.

10.1 VCT will be offered by the Campus VCT counselor at the Campus clinic or other identified service providers.

10.2 All infected students and staff not on medical aid will have access to the University's wellness programme run at the campus clinics. HIV positive students and staff may be referred to local health facilities for ongoing treatment.

10.3 The University will facilitate the setting up of support groups for affected and/or infected members of the University community in each campus, but the University will not be able to provide the necessary palliative care and support for the last stages of the terminal illness. All efforts will however be made to refer the individual to an appropriate environment such as a hospital, hospice or for home-based care.

- 10.4 Counseling and post-exposure prophylaxis will be provided at the campus clinics for rape survivors and those who become accidentally exposed to the risk of HIV in their occupational environments.
- 10.5 Confidential supportive counseling, including bereavement counseling, will be offered by the Student Counseling Centre and/or other identified service providers on an individual and/or group basis.
- 10.7 The level of the care and support offered by the University shall be determined by budgetary considerations, and the sustainability of such care interventions. The University shall always strive towards a sustainable quality of care.

11. TREATMENT

The University shall provide within its budget access to basic treatment, care and support services as set out in Items 11.1 and 11.2 below to those members of staff and students infected with HIV needing such treatment. For ongoing ARV treatment or where additional treatment is required the necessary referrals to suitable state ARV treatment sites and health facilities will be made.

- 11.1 Appropriate Post-exposure Prophylactics shall be available for specified incidents of exposure to staff and students, at accessible venues within the University and/or at selected service providers including in cases of sexual assault, occupational injuries and other acts of violence.
- 11.2 Adequately equipped first aid resources shall be easily accessible, and the Campus Health Clinic (during office hours) and identified emergency medical service providers (after hours) shall be available to all staff and students, to deal with injuries that occur on campus with potential risk of HIV transmission.

12. UNIVERSAL PRECAUTIONS

The University shall make available to all staff and students through the medium of electronic resources, and within Departments, Schools or Units, a description of Universal Precautions to be utilized in the event of blood or bodily fluid spillages.

- 12.1 All blood and bodily fluids shall be treated as if they were potentially infectious, in order that no person is singled out and discriminated against and in order that all persons handling such blood and/or bodily fluids are protected.
- 12.2 All potential risks of transmission of HIV within the University shall be considered and appropriate measures taken, wherever possible, to minimize the exposure of staff and students and members of the public to such risks including minimizing the risks as a result of contact sport.

13. INTEGRATION OF HIV AND AIDS INTO THE CURRICULUM

An integrated response to HIV & AIDS within the curricula of the University will be developed with the appropriate assistance and guidance of national norms and standards that are developed through a consultative process with other tertiary institutions, and those with expertise within the University.

- 13.1 In response to the need to produce graduates that are competent to deal with the reality of HIV and AIDS and to meet the demands of the society the University will develop new fields of study around HIV and AIDS and or expand existing fields of study.
- 13.2 The academic programme shall include modules and or courses on HIV and AIDS in order to provide all students, irrespective of their field of study, with the opportunity to raise their awareness of HIV and AIDS.
- 13.3 Support will be provided to departments and staff to develop and implement plans to integrate HIV/AIDS issues into their specific curricula.

14. RESEARCH

The University is committed to undertaking extensive empirical and operational public health, biomedical and social science research on HIV & AIDS. Policies, plans and guidelines will be developed to support HIV & AIDS research underway and creates mechanisms, which encourage more research to be undertaken by staff and students at the University.

- 14.2 The University shall collect HIV/AIDS related data on staff and students through surveys and access to health and personnel records subject to approved security and confidentiality requirements and ethical procedures.

15. IMPLEMENTATION, MONITORING AND EVALUATION

This policy shall be given operational effect by the University's AIDS Programme.

- 15.1 The University AIDS Committee shall be responsible for policy advice and policy implementation.
- 15.2 The Campus HIV&AIDS Coordinators shall be responsible for the coordination of HIV and AIDS activities at the campus level in conjunction with other relevant structures in each campus, and together with the Campus HIV&AIDS Working Groups be responsible for campus specific HIV&AIDS activities and programmes.
- 15.3 The Director of the AIDS programme shall be responsible for producing an annual report that describes all initiatives undertaken by the University in HIV/AIDS prevention, care and support, research and mitigation of impact.
- 15.4 The Director: AIDS programme shall be responsible for providing leadership in the development, implementation, monitoring and evaluation of the policy and plan.

- 15.5 The UKZN AIDS strategy Development Committee and the Campus' HIV&AIDS Working Groups will advise the Director of the AIDS programme in identifying areas of concern that require future intervention.
- 15.6 The University shall ensure that there is an adequate budget for the implementation of the policy.
- 15.7 The Director of AIDS programme shall work closely with the Executive Dean of Students and the Director of Human Resources to ensure that all current and future students and staff are provided with copies of this policy as well as training regarding HIV/AIDS prevention, care, and support and impact alleviation.
- 15.8 This policy, as well as relevant sections of the University conditions of service, shall be evaluated and regularly reviewed for relevance to national and global developments in the field of HIV/AIDS.