

University of Natal: Policy on HIV/AIDS

Developed By The University Of Natal Aids Committee

Updated through the Mandate Of The University Of Natal AIDS Task Force by the AIDS Programme, October 2002

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1. BACKGROUND

South Africa is currently fighting one of the most serious struggles since the demise of apartheid, as HIV/AIDS becomes an explosive presence in many communities, and the incidence of HIV/AIDS has systematically increased.

The University of Natal exists within one of the most affected Provinces, wherein the ravages of HIV/AIDS are clearly placing a visible demand on all sectors of service delivery, economic development, and all aspects of human life.

The University of Natal is committed to ensuring that educational interventions, preventative interventions, treatment and research will be actively addressing the ravages of the epidemic.

The University is committed to utilizing its core competencies of scholarship, teaching, learning, research and development to ameliorate the impact of HIV/AIDS within the University, and within the broader community.

The University of Natal will seek to develop policies and practices in relation to HIV/AIDS based on principles of human dignity and non-discrimination. The fundamental belief underlying all interventions is that educational, and preventative interventions in relation to

HIV/AIDS will serve as the most significant safeguards of the interests of the University of Natal, its staff and students.

The University of Natal hereby affirms its recognition of the responsibility that exists for the provision of access to information, prevention, care and support for all staff and students, in so far as is reasonably possible. Furthermore, the University affirms its commitment to the development of an environment that is free from discrimination, in which people living with HIV/AIDS, can feel assured of their rights being upheld, and protected.

The University of Natal has a consolidated AIDS Plan, which it has developed and which should be read in conjunction with this policy, which espouses the broad principles in terms of which the plan becomes the operationalisation of the principle statements contained within this policy. Furthermore the University is committed to providing leadership to ensure the realisation of this Plan, and the continued development of the focus areas to ensure its relevance and efficacy.

2. LEGAL FRAMEWORK

The University of Natal recognises 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 Labour Relations Act 66 of 1996;
- The Employment Equity Act 55 of 199;
- 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 Natal AIDS Policy.

3.2 The University means the University of Natal.

3.3 Staff member or student means a staff member employed by the University of Natal

and student means a person registered at the University of Natal for purposes of studying. The possession of a valid University identity card is essential.

3.4 HIV means the Human Immunodeficiency Virus.

3.5 AIDS means the Acquired Immune Deficiency Syndrome that is the latter phase of HIV infection.

3.6 Confidentiality means keeping information private. Such information is protected by ethical and legal considerations.

3.7 Informed consent means agreement given with full knowledge and understanding of the implications of the knowledge.

3.8 Post-exposure Prophylaxis (PEP) is the administration of antiretroviral medication to a person who has been exposed to HIV to prevent transmission of the disease. The provision of Post-exposure Prophylaxis is without prejudice to the University of Natal, and is simply a service to assist a person who has been sexually assaulted.

3.9 HIV testing means the taking of blood for the purpose of conducting an assessment of the presence of HIV antibodies.

3.10 Unfair discrimination has reference to any direct or indirect discrimination against anyone on 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".

3.11 Universal precautions are standardised infection control and prevention measures, which limit the potential for the transmission of HIV from one person to another through contact with infected materials.

3.12 UNATF - University of Natal AIDS Task Force is the consultative, representative oversight body, which reports to the University Executive. Its functions include:

- Overseeing and monitoring the implementation of the AIDS Plan;
- Advising the University of Natal AIDS Programme on strategic issues;
- Assisting the University of Natal AIDS Programme in raising funds; and
- Providing leadership for campus HIV/AIDS-related activities.

3.13 University of Natal HIV/AIDS Strategy Development Committee - previously referred to in the initial planning processes as the University of Natal AIDS Expert Committee. The University of Natal HIV/AIDS Strategy Development Committee will:

- Continually update the AIDS Plan in the light of new information and discoveries;

- Review new findings; and
- Provide recommendations to the University of Natal AIDS Task Force for policy and implementation.

4. ANTI-DISCRIMINATION

The University of Natal affirms that it is committed to fighting against discrimination and commits itself to ensuring that HIV/AIDS will be treated in a fashion that protects the rights of all persons who are infected or affected by HIV/AIDS. In this fashion, an environment conducive to the protection of the rights of those who are uninfected will also be developed. All persons on campus will accordingly be protected.

4.1 Staff and students with HIV/AIDS should lead as full a life as possible and should not be denied, directly or indirectly, opportunities to maximise their ability professionally or academically.

4.2 Any special measures in respect of a student or staff member with HIV/AIDS should be fair and justifiable in the light of medical facts; established legal rules and principles; ethical guidelines; the best interests of the student or staff member with HIV/AIDS; University conditions; and the best interests of other students and staff.

4.3 Any person who refuses to work with, or study with, another person who is infected with HIV/AIDS shall receive appropriate counselling, and where their behaviour persists, shall be appropriately disciplined by the University.

4.4 If a staff member or student develops any contagious disease, or any symptoms that pose a risk to the health and well being of other students or staff members, such a student may be legitimately prevented from attending the University for the duration of their infectiousness, in the interests of protecting the health and welfare of staff and students generally. Normal procedures regarding leave of absence shall be applied.

4.5 STAFF

4.5.1 The University of Natal rejects the HIV testing of prospective staff generally.

4.5.2 HIV/AIDS status, or the perceived HIV/AIDS status of a prospective staff member of the University shall not be deemed to be relevant for the purposes of the selection of such staff member by the University.

4.5.3 Known or perceived HIV/AIDS status alone may not be a reason for dismissal of a staff member, nor for refusing to conclude, or continue, or renew a staff member's employment contract, nor to treat him or her in any unfair discriminatory manner.

4.5.4 If and when a staff member with HIV/AIDS becomes incapacitated and unable to fulfil

the tasks for which they are employed, standard disability or incapacity procedures shall be invoked.

4.5.5 Known or perceived HIV/AIDS status shall not be a consideration in the awarding of financial aid or staff loans, where such loans are permitted and applicable.

4.5.6 HIV/AIDS status or perceived status shall not be a consideration in respect of staff training and development.

4.5.7 HIV/AIDS status, or perceived status shall not be a consideration in respect of promotions of staff members.

4.5.8 Any transfer of a staff member on the basis of their known or perceived HIV status shall only be permitted, in consultation with the staff member, where this clearly serves in the best interests of such staff member.

4.6 STUDENTS

4.6.1 The University of Natal rejects the HIV testing of prospective, or returning, students for the determination of admission, or readmission suitability generally.

4.6.2 HIV/AIDS status, or the perceived HIV/AIDS status of a prospective, or returning student of the University shall not be deemed to be relevant for the purposes of the selection of such student to the University.

4.6.3 A student who has failed to successfully fulfil his/her previous academic requirements due to being affected or infected with HIV/AIDS, and has accordingly been academically excluded from the University, shall receive due consideration by the University of Natal Readmissions Committee.

4.6.4 Known HIV/AIDS status will not be a consideration in the awarding of financial aid to students, neither will testing in respect of the awarding of student loans be permitted.

4.6.5 A student who has failed to fulfil his academic or financial requirements due to being affected or infected with HIV/AIDS and, as a consequence been denied financial assistance by the University, shall on appeal, receive due consideration by the University of Natal Financial Aid Committee.

4.6.6 Students with HIV/AIDS are expected to attend classes in accordance with the University of Natal 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 fulfil the requirements of their learning obligations.

4.6.7 If and when students with HIV/AIDS become incapacitated through illness, the University of Natal should make work available to them for study at home and should

support continued learning where possible, including the facilitation of distance education. HIV/AIDS status will not be a valid ground for exclusion from the University of Natal, unless the student becomes incapable of continuing with his/her studies, in which instance consultation between the University and the student should ensue in pursuit of the most appropriate solution.

5. CONFIDENTIALITY

The University of Natal shall not disclose specific information relating to the known or perceived HIV/AIDS status of a staff member or student of the University, without that staff member or student's informed consent.

5.1 If a staff member's or student's HIV/AIDS status is known, this shall not be disclosed to any other student, staff member or management, without the staff member's or student's permission.

5.2 Voluntary disclosure of a staff member's or student's HIV/AIDS status to the appropriate authority should be welcomed and an enabling environment should be cultivated in which the confidentiality of such information is ensured and in which unfair discrimination is not tolerated.

5.3 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.

6. EDUCATION

All students and staff of the University of Natal shall be provided with access to information relating to HIV/AIDS. Structures and mechanisms will be developed and maintained that encourage staff members and students to become involved in HIV/AIDS activities on campuses and in their communities.

6.1 The HIV/AIDS crisis has major implications for the teaching role of the University. In response to the crisis, and to meet the demands of the society we serve, the University will, where necessary develop new fields of study and expand existing fields of study.

6.2 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.

7. COUNSELLING

Staff and students will have access to appropriate confidential counselling services in respect of HIV/AIDS on campuses.

7.1 Confidential Voluntary Counselling and Testing (VCT) will be available at Student Counselling Centres and at Campus Health Clinics, and other identified service providers, where a student or staff member voluntarily presents for HIV testing.

7.2 Confidential supportive counselling, including bereavement, will be offered by the Student Counselling Centre and / or other identified service providers on an individual and / or group basis.

8. CARE

8.1 The University of Natal will attempt to provide staff and students infected with HIV/AIDS with the necessary treatment and refer HIV/AIDS infected staff and students to suitable treatment sites, where additional treatment is required, which is not provided by the University of Natal.

8.2 The University shall offer appropriate counselling and basic health care and maintenance to all staff members and students who are on campus. The level of the care offered by the University of Natal shall be determined by budgetary considerations, and the reality of the sustainability of such care interventions. Where possible the University will lead initiatives to demonstrate the highest possible standard of care.

9. PREVENTION

All risks of transmission of HIV/AIDS shall be considered and appropriate measures will be taken by the University, wherever possible, to minimise the exposure of staff and students and members of the public who have contact with the University, or who participate in University activities.

9.1 Appropriate Post-exposure Prophylactics shall be available for specified incidents of exposure to staff and students, at accessible venues on the campus.

9.2 Policies shall be developed to deal with risk reduction and prevention where appropriate.

9.3 In collaboration with training and education initiatives, any new methods of prevention will be communicated to staff and students at the University.

9.4 Adequately equipped first aid resources shall be easily accessible, and the Campus Health Clinic (during office hours) and emergency medical service providers (after hours) shall be available to all staff and students, to deal with injuries that occur on campus.

9.5 The University of Natal shall continue to support preventative measures and programmes, including the accessibility of condoms and the effective treatment of sexually transmitted infections.

9.6 The University of Natal shall continue to prioritise the prevention and appropriate management of sexual assault, occupational injuries and acts of violence.

9.7 Adequate preventative measures need to be developed to minimise the risk of HIV/AIDS transmission as a result of contact sport.

10. UNIVERSAL PRECAUTIONS

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

10.1 All blood and bodily fluids shall be treated as if they were potentially infected, 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.

11. MITIGATING HIV/AIDS IN THE RESIDENCES

Appropriate policies and guidelines will be developed to protect staff and students staying in the University of Natal residences, in respect of the provisions of this AIDS Policy and the University of Natal AIDS Plan.

12. RESEARCH

The University of Natal 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 with supports and co-ordinates HIV/AIDS research underway and creates mechanisms, which encourages more research to be undertaken by staff and students at the University.

13. IMPLEMENTATION AND UPDATING OF THE POLICY

This policy shall be given operational effect by the University of Natal AIDS Plan, which will be updated on a regular basis through the advice and guidance of the University of Natal AIDS Task Force. Any changes to the policy will be effected on an annual basis by the University of Natal HIV/AIDS Strategy Development Committee.