

UNIVERSITY OF THE FREE STATE

HIV AND AIDS POLICY

As approved by the UFS Council on 11 March 2005

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1. PREAMBLE

The University of the Free State (UFS) recognizes the seriousness of Human Immunity Virus (HIV) and Acquired Immunity Deficiency Syndrome (AIDS) pandemic and the potential impact this disease can have on both the University and wider society and is committed to participate actively in the fight against the disease. For the past ten years, Kovsie Support Services, and later also the HIV and AIDS Centre has led in the development of information campaigns and workshops for students and staff to make them aware of the risks of HIV and AIDS and the necessary measures to ensure their safety. Some departments have also taken the lead in introducing aspects of HIV and AIDS into academic programmes while important research on the HIV and AIDS topic has already been completed and receives continuous attention. Massive escalation in the HIV and AIDS pandemic, the increasing number of HIV and AIDS infected and affected staff numbers, the fact that Kovsie Support Services mostly reach students in residences only, the incorporation of two satellite campuses and the haphazard approach in introducing HIV and AIDS contents in academic programmes, has called for a more co-ordinated policy to be developed. This is accentuated by the marked effect that the HIV and AIDS pandemic will have on student recruitment and enrolment and staff productivity, both directly (through illness) and indirectly (through the general economic and social impact of the pandemic).

2. POLICY STATEMENT

The UFS is committed to addressing HIV and AIDS in a positive, supportive and non-discriminatory approach by providing resources and leadership to implement HIV and AIDS University-based, as well as community outreach programmes.

This policy should be read together with the Statute and policies of the UFS, the Constitution of the Republic of South Africa, and all other relevant legislation including Basic Conditions of Employment Act No 75 of 1997, Employment

Equity Act No 55 of 1998, Higher Education Act No 101 of 1997, Labour Relations Act No 66 of 1995, Occupational Health and Safety Act No 85 of 1993, and the Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000.

3. GOAL AND OBJECTIVES OF THE POLICY

GOAL: To assist the UFS in responding to challenges posed in relation to HIV and AIDS.

OBJECTIVES:

- a) Protect individual rights of confidentiality and freedom from discrimination.
- b) Promote
 - (i) a sustained programme that provides counselling and support and
 - ii) the provision of current accurate information to the UFS community and to the outside community.
- c) Promote behaviours that reduce or minimise the risk of acquiring HIV infection and generally create a safe environment.
- d) Provide leadership in teaching, research and community service on HIV and AIDS and its impact.
- e) Provide leadership in promoting the human rights based approach to HIV and AIDS, and thereby also breaking down the stigma attached to the illness.

4. CONFIDENTIALITY

- a) The UFS respects the right of staff and students to confidentiality of their HIV and AIDS status, within the limits of the law.
- b) At all times, all UFS personnel with legitimate access to information regarding the HIV and AIDS status of staff and or students, will continually be reminded of the requirement to safeguard the confidentiality of the information.

- c) No medical information will be released without prior written consent from the individual concerned.
- d) All statistics will be confidential unless the disclosure is legally required.

5. SCREENING AND TESTING

- a) Potential staff and students will not be refused employment or entry to the UFS on the grounds that they test positive for HIV and AIDS. The UFS does not, therefore, test for HIV and AIDS either prior to employment or on application or admission as a student.
- b) The UFS endorses informed consent for individual testing, accompanied by confidential and appropriate counselling, and encourages both employees and students to be aware of their HIV and AIDS status so that they can make appropriate health decisions for themselves.
- c) The UFS provides a testing and counselling service through its HIV and AIDS Centre.

6. EMPLOYMENT AND PROMOTION

- a) No employment contract will be terminated and no promotion will be withheld on account of HIV status or AIDS alone, provided the staff member is able to work effectively.
- b) Staff members with HIV and AIDS shall be governed without discrimination in the same way as staff with other chronic illnesses or disabilities.
- c) As it does in cases of chronic illness where work is adversely affected and an objective medical assessment has been carried out, the UFS makes every reasonable effort to provide alternative, non-strenuous work to a staff member with AIDS, so as to maximise the earning capacity of the staff member concerned. If the staff member is no

longer able to work, and/or no suitable position can be found, the appropriate ill-health or disability income policies are applied.

7. EDUCATION

- a) In promoting awareness, the UFS will ensure that HIV and AIDS awareness programmes are included in orientation, induction, education and training programmes.
- b) Individual awareness
The UFS (through the HIV and AIDS Centre, Kopsie Health Services, the Student Representative Council (SRC), the Human Resource Department and trade unions) informs staff and students about the nature and transmission of the virus, and precautions that can be taken to reduce the risk of infection.
- c) Social awareness
The UFS is opposed to any form of discrimination against HIV positive people or persons with AIDS and their partners, family and friends on the basis of their HIV status or AIDS. The UFS therefore commits itself to programmes which address these issues, including the fears that many people have about the virus and the victim-blaming and stigmatising attitudes that ignorance often engenders.
- d) Training counsellors
On counselling the HIV and AIDS Centre will regularly offer courses on counselling skills to staff and students (e.g. residence wardens, shop stewards, student health workers, members of the SRC) who might be approached for advice, help or support by a colleague or fellow-student living with HIV infection or AIDS. These courses are open to all interested members of the UFS community without charge and without prejudice to earnings.
- e) First-aid officials
The UFS believes that universal precautions should be adopted by all individuals likely to be involved in administering first aid. The UFS

undertakes to educate all first-aid officials rendering services to staff or students in universal precaution techniques and to equip all first-aid kits with the appropriate equipment.

8. CURRICULUM DEVELOPMENT

The UFS will promote, support and initiate an information programme for academic staff to ensure that they have the latest information available on the HIV and AIDS pandemic in their disciplinary areas, with the aim of improving course development, teaching, research and learning.

9. COMMUNITY INVOLVEMENT

- a) The UFS recognises that the battle against HIV and AIDS is not restricted to the campus and employees and students of the UFS, but that wider community involvement and participation is required to combat the spread of the disease.
- b) The UFS, as a leading institution in the community, shall accordingly establish community partnership and outreach programmes for creating HIV and AIDS awareness and prevention.
- c) The UFS shall also co-ordinate its efforts with other higher education institutions, Non-Governmental Organisation and community organisations.

10. MEDICAL ASSISTANCE, PROTECTION HEALTH CARE AND TREATMENT

- a) Medical assistance will be provided for full-time employees with HIV or AIDS in accordance with the rules and practices of the UFS's medical assistance policy.
- b) Students and staff who have been exposed to infection will receive appropriate assistance from the UFS. This may include the provision of anti-retroviral medication (under medical advice) in an emergency situation. Appropriate charges may be levied.

- c) Employees and students involved in health care are subject to special conditions regarding HIV and AIDS and reference should be made to the specific policies in this regard.

11. EMPLOYEES PROVIDING CLEANING AND CUSTODIAL SERVICES

- a) All employees must be trained and must remain in compliance with the Occupational Health and Safety laws and standards for prevention of transmission of blood-borne pathogens.

12. STAFF AND STUDENT INTERACTIONS

- a) Staff or students who refuse or are reluctant to work with, study with, or be taught by persons living with HIV infection, will be counselled. Refusal to work with, study with or be taught by a person with HIV is not accepted as a valid excuse for non-compliance with academic or work requirements or other reasonable instructions from UFS authorities.
- b) Staff and students are not barred from attending lectures, living in residences, being on campus or involved in any campus activities on account of their HIV status or AIDS alone.
- c) In the case of sports that may carry a higher than normal risk of HIV infection, it is the responsibility of each sport club to adhere to its own code of practice or to put into place appropriate procedures for the minimisation of risk, consistent with this policy.

13. HIV AND AIDS FORUM

To ensure a **co-ordinated** approach to the AIDS pandemic, a HIV and AIDS Forum will be established which will fall within the line function of the Vice-Rector: Student Services.

13.1 **Functions of the HIV and AIDS Forum**

To achieve a co-ordinated approach in close co-operation with other campus services and divisions such as the SRC, UFS library, academic departments, Human Resources, trade unions, Kovsie Counselling and Development and Kovsie Health, the HIV and AIDS Forum may undertake the following:

- a) Suggest and co-ordinate the roles and responsibilities of the Vice-Chancellor, the Executive Management, Deans and Heads of Departments with regard to matters pertaining to the University's response to the HIV and AIDS pandemic.
- b) Initiate and/or facilitate research into knowledge and attitudes about HIV and AIDS among staff and students, their sexual practices and other related issues by collecting HIV and AIDS statistics, conducting surveys etc.
- c) Initiate or co-ordinate the maintenance of a database of all HIV and AIDS related research and other activities being undertaken by departments and divisions of the UFS.
- d) Coordinate support services for students and staff who have HIV and AIDS related concerns.
- e) Make representations to the UFS for inclusion of HIV and AIDS related issues in relevant subject curricula.
- f) Act in an advisory capacity to the UFS and communicate relevant concerns to the wider community.
- g) Liaise with government and non-governmental institutions and other tertiary institutions.
- h) Ensure that education programmes are continuously reviewed and updated to take into account current medical information.
- i) Propose changes in legislation, regulations and/or codes of good practice.

- j) Review this policy and consider new submissions thereto on a continuous basis, and submit such reviewed policies to the Executive Management for approval.
- k) Act as the supervising body of the HIV and AIDS Centre.

13.2 The HIV and AIDS Forum shall report to the Vice-Rector: Student Services on a quarterly basis who liaise with relevant line managers. This report is to be in writing and to cover the various aspects of the Forum's activities for the quarter.

13.3 The constitution of the HIV and AIDS Forum is attached as Annexure A.

14. HIV AND AIDS CENTRE

- a) A HIV AND AIDS Centre will be established within Kopsie Health as a venue to render HIV and AIDS related support services and initiatives.

(i) Position and appointment of a HIV and AIDS Director:

The necessity for a full-time, suitably qualified person employed in this position is of critical importance to the success of the fight against HIV and Aids at the UFS. As such this position needs to be staffed at all times.

- (ii)** The HIV and AIDS Director is responsible for co-ordinating the activities of the HIV and AIDS Forum.

15. REVIEW OF POLICY

The HIV and AIDS Forum will review this policy annually and amendments will be routed via the appropriate decision making structures.

SOURCE DOCUMENTS

North West University HIV and AIDS policy (November 2002).
University of Cape Town HIV and AIDS Policy (September 2000)
Rhodes University Policy on AIDS.
Draft HIV and AIDS Policy: University of the Free State (2002)
University of the Witwatersrand: AIDS policy.

LIST OF ABBREVIATIONS

AIDS - Acquired Immune Deficiency Syndrome
HIV - Human Immunodeficiency Virus
SRC - Student Representative Council
UFS - University of the Free State

Annexure A

CONSTITUTION OF THE HIV AND AIDS FORUM OF THE UNIVERSITY OF THE FREE STATE

1. Establishment of a HIV and AIDS Forum for the UFS

A forum, known as the HIV and AIDS Forum of the University of the Free State, is hereby established in accordance with paragraph 13 of the University's HIV and AIDS policy.

2. Founding principles

In the execution of its functions, the Forum will be guided by the following principles:

- People infected with and affected by HIV and AIDS have the right to dignity, respect, and privacy concerning their HIV and AIDS status.
- People living with HIV and AIDS are guaranteed equal protection under the law and will not be discriminated against on the basis of HIV and AIDS alone, in obtaining access to education, scholarships, accommodation, employment and employment benefits at the UFS.
- The UFS has, within its available sources, an obligation to provide access to information, prevention, care and support services for students and staff infected with and affected by HIV and AIDS.
- The UFS has the duty to create a learning and working environment that is supportive, sensitive and responsive to employees and students infected with or affected by HIV and AIDS.

3. Objectives and functions of the Forum

3.1 The Forum advises the Executive Management of the UFS with regard to the development and implementation of the HIV and AIDS related policies and practices of the UFS.

3.2 In meeting its objective, the Forum will exercise the following functions:

- a) Initiate and/or facilitate research into knowledge and attitudes about HIV and AIDS amongst staff and students,

their sexual practices and other related issues by collecting HIV and AIDS statistics, conducting surveys, etc.

- b) Initiate or co-ordinate a database of all HIV and AIDS related research and other activities being undertaken by departments and divisions of the UFS.
- c) Co-ordinate support services for students and staff who have HIV and AIDS related concerns.
- d) Make representations to the UFS for inclusion of HIV and AIDS related issues in relevant subject curricula.
- e) Act in an advisory capacity to the UFS and communicate relevant concerns to the wider community.
- f) Liaise with government and non-governmental institutions and other tertiary institutions.
- g) Ensure that education programmes are continuously reviewed and updated to take into account current medical information.
- h) Propose changes in legislation, regulations and/or codes of good practice.
- i) Review the University's HIV and AIDS policy and consider new submissions to it on a continuous basis, and submit such reviewed policies to the Executive Management for approval.
- j) Act as the supervising body of the HIV and AIDS Centre.

4. Membership of the Forum

The Forum shall consist of the following internal members:

- Deans of Faculties or their nominees
- Directors of Support Services or their nominees
- SRC members entrusted with the HIV and AIDS portfolio and the Women's and Men's Internal portfolios.
- One representative each of Nehawu and UVPERSU
- One representative from the Department of Human Resources
- The Director of the HIV and AIDS Centre

- Representatives from research units or projects on HIV and AIDS
- One representative from Kovsie Health
- One representative from Kovsie Counselling and Development
- One member of the Library Service
- One member each from the Qwaqwa en Vista campuses.

External members

- Representatives from the Free State Department of Health.
- The Forum has the right to co-option.

5. Office bearers

- 5.1 The Forum elects from among its members a chairperson, a vice-chairperson and a secretary.
- 5.2 When the office of chairperson, vice-chairperson or secretary becomes vacant, a successor is elected by the Forum at its next meeting.
- 5.3 Whenever both the chairperson and the vice-chairperson are absent from a meeting of the Forum, the members must elect a person from among themselves to preside at that meeting.

6. Committees

- 6.1 The Forum may establish committees to perform any of its functions and may appoint individuals, whether or not they are members of the Forum, as members of such committees.
- 6.2 The Forum is not divested of responsibility of the performance of any function delegated or assigned to a committee.
- 6.3 The chairperson, vice-chairperson and secretary form the executive of the Forum to deal with its day to day management.

7. Procedure

- 7.1 The Forum determines its own procedure at meetings with due observance of the generally accepted norms of fair administrative process.
- 7.2 Half the members of the Forum plus one forms a quorum.
- 7.3 Decisions of the work committees do not bind the Forum and no quorum is therefore required at the meetings of these committees.

- 7.4 The secretary keeps minutes of all meetings of the Forum.
- 7.5 At least four working days before each meeting of the Forum, the secretary sends out to each member an agenda with the date, venue and time of the meeting as well as matters for discussion.
- 7.6 Members who wish to place matters for discussion on the agenda must inform the secretary of such matters in writing at least five days before the date of the meeting.
- 7.7 The chairperson can at any time convene an extraordinary meeting with mention of the matters for discussion.
- 7.8 At the written request of at least ten members of the Forum, the chairperson must convene an extraordinary meeting provided that the request is accompanied by a short description and rationale for the agenda points.

8. Decision-making

- 8.1 The Forum preferably takes decisions with full consensus.
- 8.2 Where full consensus cannot be reached, decisions of the Forum will be taken by a majority of the members present.