



PROCEDURAL GUIDELINES

ACQUIRED IMMUNE DEFICIENCY SYNDROME (A.I.D.S)

These procedural guidelines are intended to adhere to the Board's Mission, and to protect the dignity and rights of every individual.

Additionally, The Board and will apply the principles and direction as outlined in Policy 7010 – *Equity and Inclusion*, which was developed in response to the Ministry of Education's Policy/Program Memorandum No. 119 (2013) - *Developing And Implementing Equity And Inclusive Education Policies In Ontario Schools*.

Basic Christian Principles:

As members of a Catholic community:

- a) We respect each person's right to privacy and to community support.
- b) We stand, grounded on the Gospel imperative, on the side of those who suffer.
- c) Our reasoned response is based on information and not on ignorance, misinformation, rumour or myth.
- d) Our procedures and policy must respond in a manner which has concern for the individual and the common good.

Specific Objectives:

- a) The procedures will attempt to offer balanced protection and support to all persons involved.
- b) The procedures will respect the moral and current legal rights of the individual who has contracted A.I.D.S. and all others who may come in contact with such individual.
- c) The procedures will educate by their adherence to Christian principles and by their refusal to support untruths and myths about A.I.D.S.

Definition: *For the purpose of these procedures, when the term A.I.D.S. is used, it means the whole clinical spectrum commencing with HIV infection.*

1. Disclosure

- a) No employee, no adult student and no parent of a minor pupil on behalf of the pupil is required to disclose the fact to anyone that he/she has or may have tested positive to the HIV virus or that he/she has any stage of A.I.D.S.
- b) All employees of the Board and persons acting on behalf of the Board (with the exception noted in #2 following), must, when a person voluntarily discloses and provides informed consent to the appropriate education official, maintain strict confidentiality with reference to any knowledge or opinion regarding the presence of A.I.D.S. in a pupil or employee and will only divulge such information on a strict “*need to know*” basis. (See note #1 following.)
- c) The only exception to the above will occur when an individual, or the pupil’s parents, wishes to disclose the fact that he/she or their child has tested positive to the HIV virus or has contracted A.I.D.S. and asks for the support and assistance otherwise described in these procedures. In such a case the strict obligation of secrecy/confidentiality will be relaxed sufficiently to permit the support procedures as hereinafter outlined to be used, but only on a “*need to know*” basis.

- NOTES:
- 1. *“Need to Know” - In general terms, only persons who cannot discharge the duties of the office they hold without the knowledge, have a “need to know” when A.I.D.S. is present.*
  - 2. *With respect to the obligation to report to the Board, only information that does not identify the individual concerned will be transmitted to the Board.*

2. Reporting - With Respect to a Pupil, An Employee and Any Other Person in a School:

- a) The principal of a school must report promptly, in writing, to the Director of Education and the Medical Officer of Health (M.O.H.) for the District of Algoma, Sudbury or Timmins when a disclosure with respect to the presence of A.I.D.S. in an employee, student or other person acting on behalf of the Board is made. *(See Appendix A in Related Forms: Duty to Report Disease)*
- b) A written report shall be made to the Board by the Director of Education who may also delegate responsibility to the Supervisory Officer to ensure that the procedures as herein set out are followed.
- c) The obligation of secrecy/confidentiality will be relaxed sufficiently to permit the support procedures to be used, but only on a “need to know” basis.
- d) The principal, having reported to the Director of Education, will continue to receive advice and ongoing support as needed from the Supervisory Officer.

- NOTES:
- 1. *Except as to the above obligations to report, the principal is bound by the requirement of confidentiality described in Part 4 of these procedures.*
  - 2. *With respect to the obligation to report to the Board, only the disclosure of information that does not identify the individual concerned will be transmitted to the Board.*

- e) The Medical Officer of Health will be supplied with such information as he/she is legally entitled to, which includes the following: (see Related Forms: Appendix A: Duty to Report Disease)
  - i *Identifying information such as name, address, phone number and in the case of a student, such additional information as parents’ names, name of siblings and family physician, if known.*
  - ii *The Medical Officer of Health may ask other questions about the health of the person to assist him/her with a risk assessment.*

However, principals should respond in a strictly factual manner.

3. Response of and to the Medical Officer of Health (M.O.H.):

It is recognized in these procedures that the local Medical Officer of Health (M.O.H.) has a key role to play and that the Board and its officials will cooperate fully with him/her in the discharge of his/her duties as required in the relevant statutes and regulations.

- a) It is expected that the M.O.H. will know about the presence of A.I.D.S. in any employee or pupil because of the reporting requirements of the Health Protection and Promotion Act, and the Education Act.
- b) According to Sections 84 and 85 of the Health Protection and Promotion Act, the M.O.H. has considerable responsibility to investigate and act to reduce or eliminate the risk to health. This includes the giving of orders and directions to the school board, the school, the principal and/or others within the school system, parents and/or one or more pupils, or anyone else coming within his/her jurisdiction.
- c) Except as to communication of information necessary to carry out his/her duties, and except on a strict “*need to know*” basis, it is not expected that the Medical Officer of Health will confirm to any person within or outside the school system, the presence of A.I.D.S. in any employee or student.

4. Confidentiality and Privacy:

It is the intention of this policy and these procedures to recognize the right of the person with A.I.D.S. to privacy and confidentiality, except as specifically required by the relevant statutes and regulations, or this policy.

- a) In general terms, only persons who cannot discharge the duties of the office they hold without the knowledge, have a “*need to know*” when A.I.D.S. is present.
- b) This may include, in particular circumstances, those with an obligation to provide a health care service, or those who may be required to take special precautions against the spread of the disease or those who may need to take action to protect the person with A.I.D.S. or to protect others within the system.
- c) In the absence of an obligation to disclose the presence of A.I.D.S., pursuant to any provincial or federal statute or policy of the Board, pupils, parents, teachers, principals, supervisory officers, other persons working for or on behalf of the Board and the public at large, have no need or right to know of the presence of A.I.D.S. in an employee or in a student.

- d) Except to the extent that the report required to be made under the Education Act is brought before them, trustees have no need or right to know of the presence of A.I.D.S. in a pupil or an employee.
- e) With respect to the obligation to report to the Board, only the disclosure of information that does not identify the individual concerned will be transmitted to the Board.

5. *Rights of Employees with A.I.D.S.:*

Except as to the action taken by the M.O.H. with respect to his/her mandate and except for the normal duties and rights of the Board with respect to any employee's ability to perform his/her duties, the employee with A.I.D.S. has the right to expect fair treatment which includes privacy, confidentiality and support from the Board and its employees. No employee will have his/her employment terminated merely because he/she has A.I.D.S.

- a) The employee will continue in his/her current position of work except when, if ever:
  - i the employee requests alternatives be explored to continuing the current work placement;
  - ii the degree of illness makes it impossible or highly unlikely, in the judgment of the Director or designate in consultation with the M.O.H. and with other appropriate persons, that the person is able to discharge his/her duties in a satisfactory manner;
  - iii. the risk to the person with A.I.D.S. or to others who may come in contact with this person, as determined by the M.O.H. requires modification of the work environment.
- b) The employee has the right to expect that all alternatives presently in place within the Board to the current work environment will be explored and attempted as long as the person wishes to work and is able to work.
- c) The employee with A.I.D.S. continues to have the right to all of the benefit plans to which he/she is entitled to by virtue of the position held with the Board. Such employee has the right to expect that the appropriate personnel will assist in ensuring that the employee with A.I.D.S. knows of and is assisted to receive, on a timely basis, the maximum benefits to which he/she is entitled.

- d) The employee with A.I.D.S. has the right to expect that his/her condition will be kept strictly confidential except if he/she chooses to divulge it and discuss it, or except to the extent that it becomes necessary to divulge it to persons with a “*need to know*”.
- e) The employee with A.I.D.S. has a right to the support of the Pastoral Response Team outlined in these procedures.
- f) All other employees, students and persons working on behalf of the Board, will take all necessary steps to ensure the health and safety of employees and students within the system as far as it is in their power to do so, if they are made aware of the presence of A.I.D.S. Confidentiality and privacy of persons with A.I.D.S. will be maintained.
- g) No employee has, merely by virtue of the presence of a person with A.I.D.S. in the workplace, the right to refuse to work in that workplace. Every attempt will be made to provide education and support for persons so affected to enable them to fulfil their duties.
- h) The employee of the Board, who is infected with A.I.D.S., has the obligation to take all necessary steps to ensure that his/her disease is not transmitted or to minimize the likelihood of transmission.
- i) All other employees have the right to expect that the Board will take all necessary steps to ensure the health and safety of employees and students within the system as far as it is in their power to do so, if they are made aware of the presence of A.I.D.S.
- j) No person has the right to demand that a person with A.I.D.S. be withdrawn from the classroom or other work environment.

6. *Rights of Students with A.I.D.S. and Parents of Such Students:*

Except as to the action taken by the M.O.H. with respect to his/her mandate and except for the duties of the Board with respect to a student’s rights to attend school, the student and his/her parents have the right to expect fair treatment which includes the right to privacy, confidentiality and support from the Board and its employees. No student will be excluded from attendance at school merely because he/she has A.I.D.S.

- a) The pupil has the right to continue to attend school on a full-time basis if he/she wishes to do so, except when, if ever:

- i he/she (*in the case of an adult student*) or (*in the case of a minor student*) his/her parents request alternative instruction. This will be provided in so far as it is within the Board's powers to provide;
  - ii in the opinion of the Supervisory Officer, after consultation with the M.O.H. and with other appropriate persons, the degree of illness makes it impossible or highly unlikely that the student is able to continue to attend school. In that event, alternatives within the current capability of the Board will be offered to provide an education to the student;
  - iii the risk to the student with A.I.D.S. or to others who may come in contact with such pupils, as determined by the local M.O.H., requires modification of the school environment, including the provision of Home Instruction for the student with A.I.D.S.
- b) The student with A.I.D.S. who cannot attend school in a regular way has the right to expect that all alternatives to the current school placement will be explored and attempted as long as the student wishes to be provided with an educational program and is able (*in the opinion of educational personnel and the M.O.H.*) to profit from it and as long as it is within the current capability of the Board to provide the service.
  - c) The student with A.I.D.S. has a right to the support of the Pastoral Response Team as outlined in these procedures.
  - d) No parent or student, merely by virtue of the presence of A.I.D.S. in another student or an employee, has the right to withdraw a student from the classroom or school.

7. *Pastoral Response Team:*

All employees and members of the Huron-Superior Catholic District School Board are urged to respond in a Christian, supportive way to all who suffer because of A.I.D.S.

- a) The Board recognizes the desirability of having persons within the system who are trained and able to respond to those affected by A.I.D.S. The Board will therefore form and train, under the direction of the Director or designate, a group of employees (*multi-disciplinary in composition*) who will be called the Pastoral Response Team.
- b) The mandate of the Team will be twofold:

- i to respond, when asked, in a caring, supportive, Christian manner to the spiritual, psychological and practical needs of the person with A.I.D.S. and his or her immediate family;
  - ii to respond, when required, to the needs of the community surrounding the person with A.I.D.S.
- c) The involvement of the Pastoral Response Team will occur at the request of the employee or student with A.I.D.S. or that person's family and with the authorization of the Superintendent of Education.
- d) The Supervisory Officer will develop specific operating procedures and training for the Pastoral Response Team.

8. Education:

While making every effort to prepare for the occurrence of A.I.D.S. within the system, it must be remembered that each real experience with A.I.D.S. will come as a shock to everyone affected. The more thorough and careful the educational program, the better the chances that each encounter with A.I.D.S. will be handled with maturity by all concerned.

- a) The Board's policy and procedures regarding A.I.D.S. need to be carefully and clearly made known to all constituent groups. This will be accomplished in the following ways:
  - i the use of the Pastoral Response Team members to provide the required information via parent nights, staff meetings, T.V. messages, etc.
  - ii the regular in-service of principals and other workplace supervisors and all staff, regarding the known facts about A.I.D.S. and the details of the Board's policy and procedural guidelines regarding response to A.I.D.S. in this Board.