



## RULES OF THE BOARD OF TRUSTEES

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- (1) For the purposes of this policy, an infected individual includes a person diagnosed as having Acquired Immune Deficiency Syndrome (AIDS); or a person who is determined to be positive for the Human Immunodeficiency Virus (HIV) but who has not developed the symptoms of AIDS. Florida State College at Jacksonville (FSCJ/ “College”) recognizes that discrimination against such infected individuals is expressly prohibited by Florida law, which provides to such infected individuals every protection made available to persons with documented disabilities under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791), the Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and Chapter 760, Florida Statutes.
- (2) In accordance with law, the College will offer students and employees with AIDS/HIV the same opportunities and benefits offered to other students and employees while at the same time attempting to balance the rights of such infected individuals to an education and to employment at the College against the rights of other students and employees to an environment in which they are protected from contracting the disease.

### A. Employees

1. The College shall not require an individual to take an HIV test as a condition of hiring, promotion or continued employment unless the absence of HIV is a bona fide occupational qualification for the job in question.
2. The College shall not fail or refuse to hire or discharge any individual, segregate or classify an individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect their status as an employee, or otherwise discriminate against any individual on the basis of the results of an HIV test unless the absence of HIV is a bona fide occupational qualification for the job in question.
3. The College will not require an infected individual to cease working on the basis of a diagnosed infection unless such person has been determined not to be otherwise qualified based on a determination that no reasonable accommodation can be made to prevent the likelihood that the individual will, under the circumstances involved, expose other individuals to a significant possibility of being infected with HIV or to enable such person to perform the essential functions of the job.
4. An employee who informs the College that they have HIV/AIDS shall be accorded confidentiality regarding disclosure of the medical condition in accordance with all established state, local and federal laws and regulations.
5. In instances where an infected employee is unable to fulfill their regular responsibilities, or portions of these responsibilities, but is able and desires to continue working in a less physically demanding capacity, the College shall make a reasonable effort, if requested, to accommodate the employee’s physical disability and ensure



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“reasonable” efforts to accommodate the special needs of an employee with AIDS and AIDS related diseases unless the accommodation places “undue burdens” on the College.

### B. Students

1. The College will not deny the admission or deny continued attendance of a student otherwise qualified for admission or continued attendance on the basis of a diagnosed infection unless a determination has been made that no reasonable accommodation can be made to prevent the likelihood, under the circumstances involved, that such admission or attendance will expose other individuals to a significant possibility of being infected with HIV or to enable such persons to meet the substantial requirements of the educational program.
- (3) Anyone who believes they have been subject to harassment or discrimination can contact the College’s Equity Officer:

501 West State Street  
Jacksonville, FL 32202  
(904) 632-3221 (confidential)  
Equityofficer@fscj.edu (confidential)  
1-833-650-0005 (confidential)

(General Authority: F.S. Chapter 760, 1001.64, 1001.65, 1006.68, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791), the Americans with Disabilities Act of 1990 (42 U.S.C. 12131))

(Adopted 10/19/88; Revised 5/21/92, 05/13/14, 04/14/15, 02/11/25)  
(Reviewed 06/14/16)