

CHAMPLAIN REGIONAL COLLEGE
OF GENERAL AND VOCATIONAL EDUCATION



***POLICY ON HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)***

This policy was adopted for the first time by Board of Governors' resolution number 1191 on October 14, 1988 and subsequently replaced by resolution number:

236 (Executive Committee)

October 12, 1994

1. PRINCIPLES

1.1 The Quebec Charter of Human Rights and Freedoms (R.S.Q., ch. C-12) states that every individual has the right:

- a) to life, security, inviolability and freedom (art. 1);
- b) to assistance, should life be in peril (art. 2);
- c) to the fundamental freedoms of conscience, religion, opinion, expression, peaceful assembly and association (art. 3);
- d) to the safeguard of dignity, honour and reputation (art. 4);
- e) to respect for private life (art. 5);
- f) to the non-disclosure of confidential information (art. 9).

1.2 The Quebec Charter of Human Rights and Freedoms states that every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, handicap or the use of any means to palliate a handicap (art. 10).

1.3 **Discrimination** is defined by the Charter as existing where such a distinction, exclusion or preference has the effect of nullifying or impairing these rights (art. 10). Furthermore, it is contrary to the Charter to harass an individual on the basis of any of the characteristics outlined in paragraph 1.2 (art. 10.1). It is an offence against the Charter to practice such discrimination or harassment (art. 134). Acquiescence, consent or participation by a corporation, or by any officer,

2.3 The Directors of Student Services are responsible for HIV and AIDS education programs for students at each location.

director, employee or representative of the corporation, in such discrimination or harassment, is also an offence under the Charter (art. 135).

1.4 The Quebec Charter of Human Rights and Freedoms prohibits discrimination with respect to hiring, apprenticeship, duration of the probationary period, vocational training, promotion, transfer, displacement, laying-off, suspension, dismissal or conditions of employment of a person (art. 16). Only distinctions, exclusions or preferences based on the aptitudes or qualifications required in good faith for employment are deemed non-discriminatory (art. 20).

1.5 Scientific and epidemiologic evidence shows that persons with AIDS or HIV represent no health risk for their colleagues through ordinary contact at work and school. Furthermore, Champlain Regional College is not an occupational setting where there exists a special risk of exposure to HIV.

2. EDUCATIONAL PROGRAMS AND POLICY DISSEMINATION

2.1 The Directors of each location, in cooperation with the Human Resource Services Department, are responsible for employee education programs concerning the nature of HIV, its transmission and prevention. Such education programs must include a profile of local services available to persons with HIV and AIDS as well as information on the support offered by the College as described in Article 3.4 of this policy.

2.2 Upon its adoption by the Board of Governors, this policy, and any subsequent amendments, shall be distributed to every employee of the College.

Such education programs must include a profile of local services available to persons with HIV and AIDS as well as information on the support offered by

the College as described in Article 4.4 of this policy.

- 2.4 Upon its adoption by the Board of Governors, this policy shall be promulgated annually to every student in the College in the manner and form deemed appropriate by the Directors of Student Services. Each Director of Student Services shall inform the Director of his location and the Director General of the form and manner of the distribution required by this provision.

3. POLICY CONCERNING EMPLOYEES

- 3.1 The College does not discriminate against nor does it harass employees or potential employees who are HIV-positive or who have AIDS. Neither will the College tolerate such discrimination or harassment on the part of its employees or students.
- 3.2 No employee or job applicant will be required by the College to undergo HIV testing.
- 3.3 The College reserves the right, within the parameters of the disability provisions of the applicable collective agreement or personnel policy, to require appropriate medical certificates or doctors' reports from any of its employees concerning their capacity for work. Such medical certificates and doctors' reports concerning HIV, AIDS or any illness form a part of an employee's confidential personnel file.
- 3.4 At the request of the employee concerned, medical certificates and doctors' reports may be used in determining adjustments to the employee's work schedule, responsibilities or tasks when such

adjustments are necessitated by a medical condition or disability. The College will make every effort to accommodate such requests, insofar as the appropriate collective agreement or personnel policy allows, and as long as the service to which the employee is attached is not unduly compromised.

4. POLICY CONCERNING STUDENTS

- 4.1 The College does not discriminate against nor does it harass students or potential students who are HIV-positive or who have AIDS. Neither will the College tolerate such discrimination or harassment on the part of its employees or students.
- 4.2 No student or applicant for admission will be required by the College to undergo HIV testing.
- 4.3 The College reserves the right, within the parameters of its Policies on the Evaluation of Student Learning, to require appropriate medical certificates or doctors' reports from any of its students concerning their capacity for pursuing studies. Such medical certificates and doctors' reports concerning HIV, AIDS or any illness form a part of a student's confidential file.
- 4.4 At the request of the student concerned, medical certificates and doctors' reports may be used in determining adjustments to the student's workload and/or schedule, when such adjustments are necessitated by a medical condition or disability. The College will make every effort to accommodate such requests insofar as the integrity of the student's studies allows.