

**PROCEDURES AND SOLUTIONS TO DEAL WITH UNSUITABILITY OF STUDYING
(SORA)**

GUIDELINES FOR IMPLEMENTATION OF SORA-LEGISLATION

Board of Oulu University of Applied Sciences 13/13th May 2013

Rector's Decision 32/25th April 2016

Rector's Decision 4/12th January 2018

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1 INTRODUCTION

Providing procedures and solutions to deal with unsuitability of studying –legislation (SORA, Opiskeluun soveltumattomuuteen ratkaisuja) entered into force from start of the year 2012. It deals with, among other things, revocation of study right and returning it, restrictions in student admission and narcotics testing and discipline. The aim of the so called SORA-legislation is the advancement of safety of the secondary and tertiary educational institutions and the work life after. In these guidelines there has been included the SORA-legislation and its implementation guidelines in the context of Oulu University of Applied Sciences (OUAS). The legislative text in the guide is in its original form to avoid misinterpretation*. After the legislative text, which has been marked with cursive and smaller font, the operational guidelines of OUAS are presented. The chairperson of the SORA-board provides help to interpret the legislative text or the guidelines of this paper.

***Translator's notes:**

Because of the complicated nature of the legislative text and its meaning, the reader is kindly asked to take into consideration that the translation is unofficial, and the final interpretation of the SORA-legislation and procedure is done on the basis of its Finnish original form.

*The English equivalent used in official texts for a professionally oriented higher education institution is polytechnic, but these institutions generally refer to themselves as universities of applied sciences. For the purposes of this document, professionally oriented higher education institutions are hereinafter referred to as universities of applied sciences (abbr. UAS), including the titles of specific statutes, such as the **Polytechnics Act (932/2014) which is referred to as Act on Universities of Applied Sciences (932/2014)** to keep the text consistent.*

According to the SORA-legislation, every student has the right to a safe study environment, on which basis the disciplinary regulations are applied to the student regardless of the starting time of the student's study right. Similarly, narcotics testing and the revocation of the study right on the basis of unsuitability is not related to the starting time of the student's study right. Instead, the revocation of study right on the basis of revocation decision related to health or to a previous revocation decision of study right, is possible from students of health and social care whose study right starting time has begun in Autumn semester 2012 or after. For students in vocational teacher education the same applicable starting time is Spring semester 2013 or after. The revocation of study right on the basis of a crime is possible for students whose study right time has started in 1st January 2012 or after.

According to Maiju Tuominen, Counsellor of Government, Ministry of Education and Culture (e-mail message on 3 February 2017), with regard to teacher training, the SORA legislation can also be applied to music pedagogy and dance teacher training. The Oulu University of Applied Sciences will introduce this procedure starting from the application period in spring 2018.

If needed, these guidelines are updated with a Rector's Decision.

2 PROCEDURES REGARDING ALL FORMS OF EDUCATION

2.1 The right to a safe study environment and discipline

The student has the right to a safe learning environment (Chapter 6, Section 31.1 of the Act on Universities of Applied Sciences 932/2014).

The University of Applied Sciences may adopt university rules or issue other regulations geared to promote internal order, unhindered progress in studies and a safe and pleasant University of Applied Sciences community (Chapter 6, Section 31.2 of the Act on Universities of Applied Sciences 932/2014).

The school rules and other regulations referred to in Chapter 2 above may lay down rules concerning practical arrangements and proper conduct necessary for safety and satisfaction in the University of Applied Sciences. Regulations may additionally be issued with regard to the handling of school property and to staying and moving on the University of Applied Sciences premises and in the University of Applied Sciences area. (Chapter 6, Section 31.3 of the Act on Universities of Applied Sciences 932/2014.)

In OUAS, these documents are followed:

- The Crisis Action Plan of OUAS (Rector's Decision 15, 29th February 2016)
- Campus-based safety guidelines of OUAS
- The guidebook "Kriisitilanteet kansainvälisessä liikkuvuudessa" (CIMO, 2012)
- The guidebook created in 2015 by the Ministry of Health and Social Affairs and its model forms: SORA-lainsäädännön toimeenpano terveydenhuollossa. Ratkaisuja opiskeluun soveltumattomuuteen –publication.
- [Equality Plan of Oulu UAS for 2016–2018 – Students](#) (Rector's Decision 6 October 2016, section 77)
- [OUAS – mukava tulla, hyvä olla guidelines \(nice to come, good to be\)](#) (Cooperation committee 21 September 2016)

A student may be given a written warning if he/she

- (1) disrupts teaching;*
- (2) behaves violently or threateningly;*
- (3) acts under false pretences or otherwise breaks order at the university;*
- (4) refuses to present the narcotics test certificate referred to in Section 36; or*
- (5) according to the account referred to in Section 36 has used narcotics for purposes other than medical treatment in a way which undermines his/her functional capacity (Chapter 6, Section 38.1 of the Act on Universities of Applied Sciences 932/2014.)*

Guidelines considering study deceits are defined in the Assessment of Study Attainments –guidelines (Rector's Decision 78, 29th June 2015).

If the act or neglect is serious or if the student carries on the inappropriate behaviour referred to in Section 1 after having been given a written warning, he/she can be suspended from the University of Applied Sciences for a fixed period of one year. (Chapter 6, Section 38.2 of the Act on Universities of Applied Sciences 932/2014.)

Operational model for the situation mentioned above will be added later as an Appendix of this document.

A student who disrupts teaching, behaves violently or threateningly or endangers the life or health of another person may be ordered to leave the teaching premises, or from an event organized by the University of Applied Sciences. The student may be banned from attending teaching for a maximum of three days where there is a danger that the safety of another student or a person working in the University of Applied Sciences or some other teaching facility is threatened as a result of the student's violent or threatening

behaviour or where the disrupting conduct of the student makes teaching and associated activities unreasonably difficult. (Chapter 6, Section 38.3 of the Act on Universities of Applied Sciences 932/2014.)

The rector and a member of the teaching staff and the practical training instructor may work together or separately in the matter and the measures must be recorded (Chapter 6, Section 39.3. of the Act on Universities of Applied Sciences 932/2014).

The decision to give a written warning to a student shall be made by the rector of the University of Applied Sciences and the decision on suspension by the board of the University of Applied Sciences. Before the decision is taken, the deed or neglect causing the disciplinary measure must be specified, the necessary investigation made and the student be given an opportunity to be heard in the matter. (Chapter 6, Section 39.2. of the Act on Universities of Applied Sciences 932/2014.)

The decision on the enforcement of an appealable decision and on the date on which the implementation commences shall be made at the same time as the decision to revoke the student's right to study, to dismiss the student or to ban the student from studies for a fixed time period (Chapter 6, Section 39.4 of the Act on Universities of Applied Sciences 932/2014).

An appeal against other administrative decisions of a University of Applied Sciences shall only be lodged with the administrative court within whose jurisdiction the University of Applied Sciences headquarters is located, as provided in the Administrative Judicial Procedure Act, unless otherwise provided in this Act (Chapter 9, Section 58.2 of the Act on Universities of Applied Sciences 932/2014).

A decision issued by an administrative court regarding student admission referred to in Section 28, forfeiture of the right to study referred to in Section 32 or a disciplinary action referred to in Section 38 may not be appealed against (Chapter 9, Section 60.3 of the Act on Universities of Applied Sciences 932/2014).

A decision on the revocation of the right to study, suspension of a student and ban on attending teaching for a fixed time period may be carried out notwithstanding an appeal pending against it, unless otherwise decreed by an administrative court (Chapter 9, Section 59.1 of the Act on Universities of Applied Sciences 932/2014).

2.2 Narcotics testing

The University of Applied Sciences may oblige the student to present a narcotics test certificate, where justified to suspect that the student is under the influence of narcotics in practical tasks relating to studies or in practical training or internship or that the student is addicted to narcotics. Another condition is that the testing is necessary for ascertaining the student's functional capacity and the student performs tasks which require especial acuity, reliability, independent judgement or good reactions and in which working under the influence of drugs or drug addiction:

- (1) seriously endangers the student's or some other person's life or health;*
- (2) seriously endangers the safety of transportation or traffic;*
- (3) seriously endangers the protection or integrity of data protected by confidentiality statutes; or*
- (4) significantly increases the risk of illicit trafficking or distribution of substances which are in the possession of the University of Applied Sciences or its maintaining body or the place of internship organization. (Chapter 6, Section 36.1 on the Act on Universities of Applied Sciences 932/2014)*

Figure 1 describes how to proceed when a student is sent for narcotics testing and how to proceed after the test.

Providing procedures and solutions to deal with unsuitability of studying (SORA) -guidelines

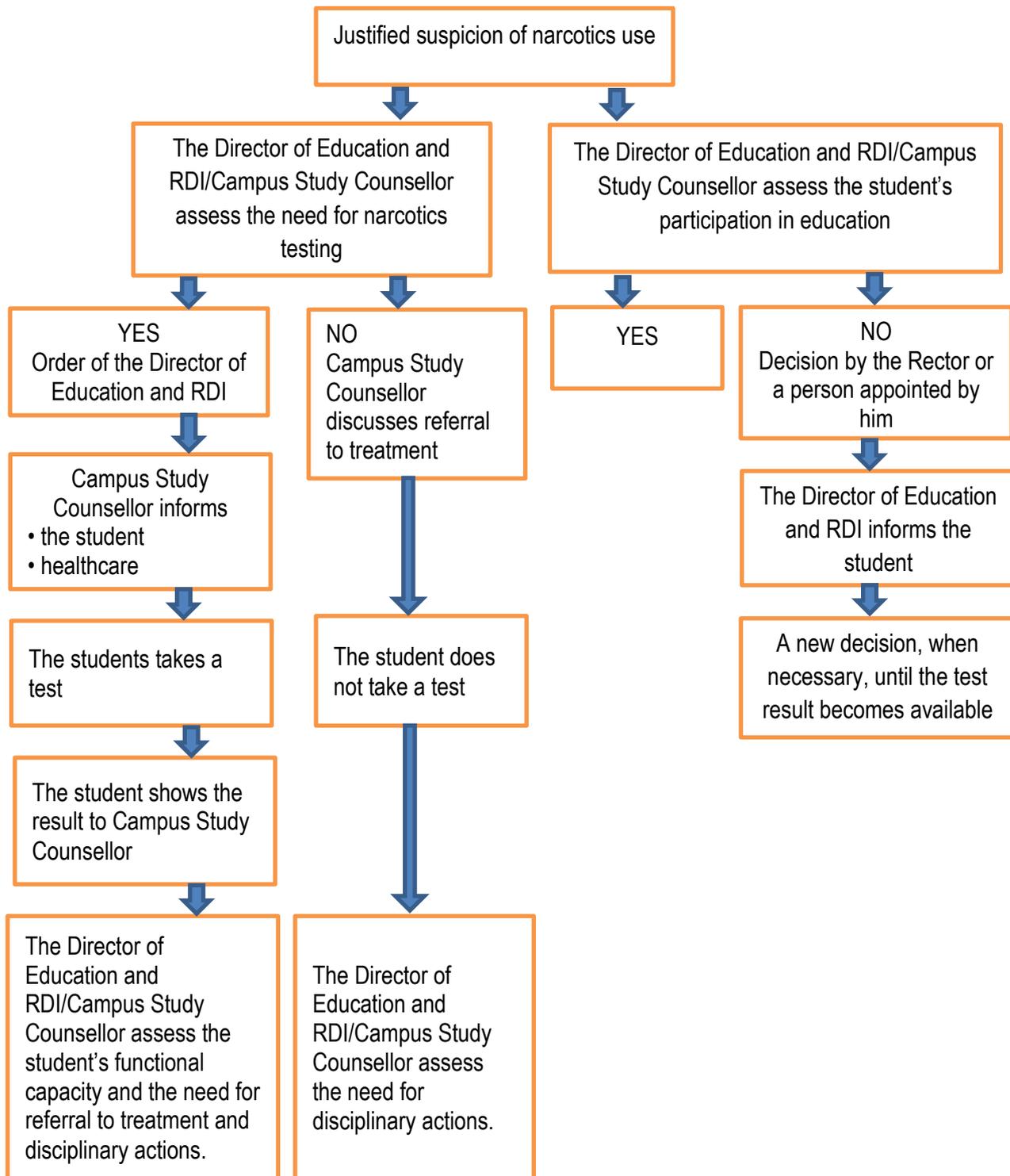


Figure 1. Students’ narcotics testing and how to proceed

If a student is suspected of using narcotics, the claim must be reasoned. The claim should be presented to Campus Study Counsellor. A valid claim must base on the observations of several persons, such as a teacher, Campus Study Counsellor/study counsellor and internship guide or study friend. The feedback on the case of suspicion can also come from another reliable source.

Campus Study Counsellor and Director of Education and RDI assess, whether the requirements for narcotics testing are fulfilled in accordance with the above mentioned Act. At the same time, they assess the student's ability to participate in the teaching until the test results become available. The Director of Education and RDI gives a written order of sending the student to a narcotics testing. If the requirements of the Act are not fulfilled, the Campus Study Counsellor discusses referral to treatment with the student. If there is a danger that the safety of another student or a person working in the University of Applied Sciences or some other teaching facility is threatened as a result of the student's violent or threatening behaviour or where the disrupting conduct of the student makes teaching and associated activities unreasonably difficult, the Rector or a person authorized by the Rector may ban the student from attending teaching for a maximum of three days where (see Chapter 6, Section 38.3 of the Act on Universities of Applied Sciences 932/2014.) Director of Education and RDI informs the student by phone and e-mail on the revocation of the right to study. If needed, the prerequisites of the student for participating teaching is evaluated again until the narcotics test result is available for use or the matter has been transferred to the Rector or the board of the University of Applied Sciences to be decided upon as a disciplinary matter.

A drug test certificate means certification by a registered health care professional, appointed by the University of Applied Sciences, attesting that the student has undergone a test to detect the presence or absence of a substance referred to in Section 3, Chapter 1.5 of the Narcotics Act and an account based on the test whether the student has used narcotics for purposes other than medical treatment in a way which undermines his/her functional capacity. The certificate must be presented within a reasonable time frame determined by the University of Applied Sciences. (Chapter 6, Section 36.2 of the Act on Universities of Applied Sciences 932/2014.)

Campus Study Counsellor notifies the student and the Student Healthcare immediately by phone and e-mail when the student is required to participate in narcotics testing. OUAS uses a form "Tiedonsiirtolomake terveydenhuollolle – opiskelija velvoitettu esittämään huumausainetestiä koskeva todistus" provided by the Student Healthcare of the city of Oulu. The student has to participate to a test immediately, but at latest in two days' time after being notified by the Director of Education and RDI/Campus Study Counsellor of the obligation of participating a narcotics test.

If the student declines from presenting a narcotics test certificate or according to the test result has used narcotic substances for purposes other than medical treatment in a way which undermines his/her functional capacity, the student may be given a written warning or the student can be suspended for a fixed time period. (Look for Section 2.1. The right to a safe study environment and discipline.)

If a student is to be required to present a narcotics test certificate referred to in this Section, the University of Applied Sciences must have written instructions devised in cooperation with the student health care officials for preventing the use of narcotics by students and for intervening in narcotics problems (Chapter 6, Section 36.3 of the Act on Universities of Applied Sciences 932/2014.)

In OUAS, an "Intervention is caring – Intervention in students' harmful use of intoxicants" –document is in use (Director of Study Affairs (update), 2016)

The University of Applied Sciences shall defray the cost of the drug test certificate (Chapter 6, Section 36.4 of the Act on Universities of Applied Sciences 932/2014).

Otherwise a narcotics test performed on a student shall be governed by the provisions of Section 19 of the Occupational Health Care Act (1383/2001) (Chapter 6, Section 36.5 of the Act on Universities of Applied Sciences 932/2014).

2.3 Handling of confidential information

Information relating to an applicant's and a student's state of health referred to in Sections 27 and 34–36 may be handled only by those who prepare or make the decision on admission, revocation of the right to study or a disciplinary action or who issue opinions concerning these matters (Chapter 6, Section 40.1 of the Act on Universities of Applied Sciences 932/2014).

Information on the student's criminal register about matters referred to in Section 33, Section 2 shall be handled only by those who prepare or make the decision on the revocation of the right to study (Chapter 6, Section 40.2 of the Act on Universities of Applied Sciences 932/2014).

The university shall specify the tasks which involve the handling of sensitive materials (Chapter 6, Section 40.3 of the Act on Universities of Applied Sciences 932/2014).

Confidential information in OUAS is handled the Heads of Student Services, Campus Study Counsellors, teacher tutors (study field of health and social care), Head of the Degree Programme (culture), study affairs planning officer (vocational teacher training), student welfare working group (health and social care), Directors of Education and RDI, SORA-board (Look Chapter 3.3 The suspension and revocation process of study right), Rector and the board of other of the University of Applied Sciences For example, when a teacher tutor notifies the teacher responsible of practical training that a certain student does not fulfill prerequisites to do practical training with minors, the teacher tutor shall not refer to a possible criminal record.

The university shall store the sensitive materials separately from other personal data. The sensitive materials must be removed from the register immediately when there no longer is any mandatory reason to preserve them, at the latest, however, within four year of the date on which they were entered in the register (Chapter 6, Section 40.4 of the Act on Universities of Applied Sciences 932/2014).

The handling of personal data shall be governed by the Personal Data Act (523/1999) unless otherwise enacted in this Act (Chapter 6, Section 40.5 of the Act on Universities of Applied Sciences 932/2014).

2.4 Right to supply information

Notwithstanding the provisions governing confidentiality, information concerning a student's state of health and functional capacity which are necessary for the execution of duties may be supplied by the holder of this information:

(1) to the rector of a University of Applied Sciences and another person responsible for the security of the University of Applied Sciences for the purpose of safeguarding the safety of studies;

(2) to a person responsible for study counselling for the purpose of guiding the student to other studies or support services;

(3) to a person responsible for student health care for the purpose of safeguarding the student's health and safety and guiding the student to other support measures;

(4) to a person responsible for practical training for the purpose of safeguarding the safety of the student and the safety of the personnel and customers of the place of training; and

(5) to the police and a representative of the University of Applied Sciences who is primarily responsible for investigating a threat to security for the purpose of assessing an immediate threat to safety or if the student's state of health is found to endanger the safety of others in the assessment (Chapter 10, Section 65.3 of the Act on Universities of Applied Sciences 932/2014).

3 EDUCATION LEADING TO A UNIVERSITY OF APPLIED SCIENCES DEGREE IN THE FIELDS OF HEALTH AND SOCIAL CARE AND THE VOCATIONAL TEACHER STUDIES

The Section 33 of the Act on Universities of Applied Sciences (932/2014), which regards to revocation of study right, shall be applied to the education leading to a University of Applied Science degree in the study fields of humanities, health and social care, sports and maritime sector. The aforementioned Chapter is applied also to vocational teacher studies (Section 11.1 of the Finnish Government's Ordinance on Universities of Applied Sciences 1129/2014).

Where the studies impose demands in regard of the safety of minors, patient or client safety or the safety of transportation and traffic, the university may revoke the right to study (Chapter 6, Section 33.1 of the Act on Universities of Applied Sciences 932/2014).

According to the ordinance, in OUAS the revocation of study right is applied to the education leading to a University of Applied Science degree in the study field of health and social care and the vocational teacher studies, including the culture degrees they are included in. Education leading to a University of Applied Sciences Master's degree, specialization studies and studying in the Open University of Applied Sciences are not taken into account in the SORA-legislation.

3.1 Assessment of the prerequisites of intake decisions in student admission

A factor relating to the health or functional capacity of an applicant may not preclude admission. However, a person whose state of health or functional capacity makes him/her incapable of acquitting the practical tasks or practice included in the syllabus where the safety requirements relating to studies referred to in Section 33 so entail and where the impediment cannot be removed with reasonable measures (Chapter 6, Section 26.1 of the Act on Universities of Applied Sciences 932/2014).

The student admission follows the health prerequisites defined in the national student admission principle recommendation.

In the case of studies referred to in Section 33, admission shall also be precluded by a decision to revoke the right to study referred to in Section 32 of the Vocational Education and Training Act (630/1998), in Section 11.9 of the Adult Vocational Education and Training Act, in Section 33 of this Act or in Section 43a of the University Act where considerations relating to the protection of the health and safety of other persons so require. (Chapter 6, Section 26.2 of the Act on Universities of Applied Sciences 932/2014.)

The university shall inform the applicants about the demands and other prerequisites imposed by studies (Chapter 6, Section 26.3 of the Act on Universities of Applied Sciences 932/2014).

In the joint application's application form, the students applying for the study field of health and social care or the vocational teacher training, including the culture degrees they are included in; and the transfer students, students applying for a separate study right and the degree students who have been selected on the basis of their studies in the Open University of Applied Sciences, are asked about their possible health-related impediments and of the cancelling of their previous study placement. The Finnish National Board of Education

has given the Universities of Applied Sciences guidelines (Ohje ammatillisten opettajakorkeakoulujen yhteishaussa SORA-kysymyksiin "kyllä" vastanneista 2013. 2012; Ohje SORA-kysymyksiin "kyllä" vastanneista. 2012) for the handling of the answers of the so called SORA-applicants, but has left the assessment of each individual applicant's eligibility for studies to University of Applied Sciences' own decision.

3.1.1 Guidelines for the applicants and receiving explanations

In the case of studies referred to in thereafter mentioned Section 33, from the request of University of Applied Sciences, the applicant shall provide the information regarding his/her health required for admission assessment and information about a decision to revoke the right to study (Chapter 6, Section 27.1 of the Act on Universities of Applied Sciences 932/2014).

Notwithstanding statutes concerning confidentiality, the University of Applied Sciences shall have the right to obtain information about a decision to revoke the applicant's right to study which is required for admission and the justifications for the decision from another University of Applied Sciences, University, and an education provider (Chapter 6, Section 27.2 of the Act on Universities of Applied Sciences 932/2014).

Figure 2 describes the SORA process and handling of clarifications in OUAS.

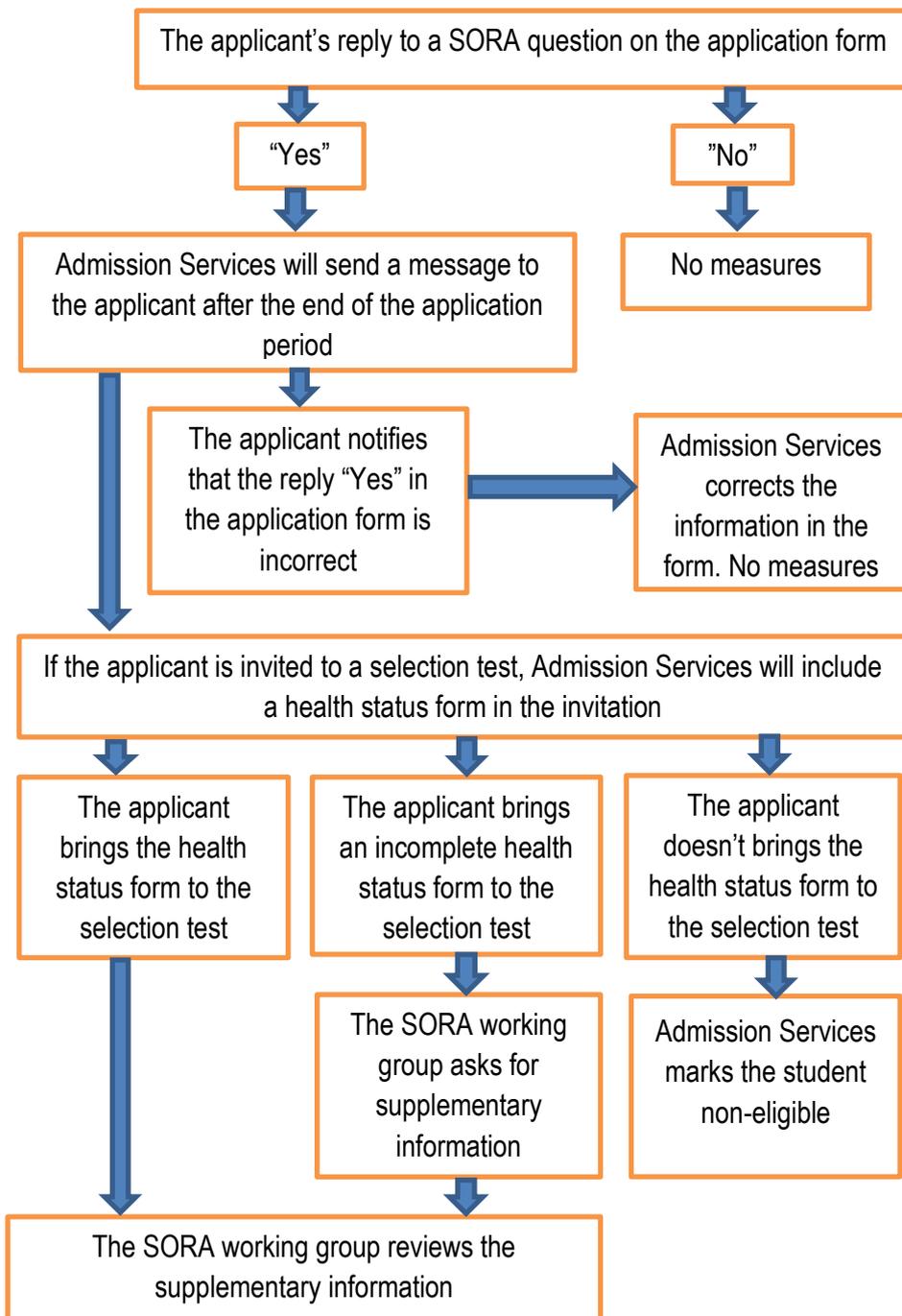


Figure 2. Progress of the SORA process in accordance with the national recommendation and handling of clarifications in the SORA working group.

In the form, applicants applying for study places in OUAS in the study field of health and social care or in the vocational teacher training are asked to provide information about possible health-related impediments or information about previous cancellation of a study placement. When applying for degrees in the OUAS or for vocational teacher training, this information is requested once. In addition, applicants applying for music

pedagog or dance teacher training in the OUAS are asked, in line with the vocational teacher training, information about possible impediments related to health or information considering a previous cancellation of a study placement. The applicant's answers are marked in the application form as K (yes) or E (no).

The SORA process is handled in accordance with the national SORA recommendation (responsible university of applied sciences in the field of social and health care (TAMK), e-mail message on 10 March 2017). After the application period has ended, the Admission Services sends a message to all applicants that have answered yes on the SORA questions (national message template). The message informs the applicants that they have replied yes to these questions and that they have to fill out a health status form (national form) included in the possible invitation to selection test and bring it with them to the selection test. If the applicant is invited to the selection test, the applicant has to submit the requested information on their health status and the cancelled study placements. In addition, if the applicant has health-related impediments, they must present a certificate written by a licensed healthcare professional. If the applicant doesn't submit a certificate annexed to the health status information during the selection test, the clarification might be accepted without the statement. If the clarification submitted by the applicant is not sufficient, the person in charge of the matter can contact the applicant and request further information, such as the above mentioned certificate. The University of Applied Sciences where the applicant has participated in a selection test processes the SORA replies and clarifications on behalf of the entire selection team. The clarifications are processed in accordance with the procedures in place in the university of applied sciences in question. In the culture field, there is no national cooperation in selection tests, and the SORA clarifications are processed in OUAS.

After the end of the application period, the School of Vocational Teacher Education makes a list of SORA applicants. The list has information on possible health-related impediments and/or previous cancellations of study placement. If the applicant has not contacted the vocational teacher training during the application period, the School of Vocational Teacher Education will send a reminder to the applicant by e-mail/post and request a written explanation within a week. If the applicant doesn't submit the explanation before the deadline, the School of Vocational Teacher Education defines the applicant as non-eligible and gives additional information. The applicant can appeal against the decision regarding student admission (see chapter 3.1.3. Appeal regarding student admission and SORA-impediment).

In the event that the applicant has made a mistake (for example a typing error), the Admission Services/vocational teacher training will change the K's in the application form to E's, with additional information.

3.1.2 The assessment of eligibility

The explanations of SORA-applicants are handled by the SORA working groups in the study fields of health and social care and culture, which consist of the Head of the Student Services and Campus Study Counsellors / study counsellors. In the work of the groups, the health-related requirements of each degree programme are taken into account. If needed, the working group is supplemented with for example the Head of the Degree Programme or a representative of the student union or other experts.

The SORA working group of the study fields of health and social care and culture meets after the actual selection test to review the explanations and to decide on the eligibility of the applicants. The SORA working group of the study fields of health and social care and culture also handles the SORA-explanations of transfer

student admission, applicants applying for a separate study right and the applicants applying for the study right of a degree student on the basis of their studies in Open University of Applied Sciences.

The SORA working group of the School of Vocational Teacher Education consists of the Director of Education and RDI, Head of the Student Services and a study affairs planning officer. If needed, the working group is supplemented with other specialists. Explanations appointed to the School of Vocational Teacher Education are processed before making the admission decisions. In both of the working groups, the eligibility is assessed on the basis of the documents at hand. When needed, the applicant may be asked for attending doctor's statement of eligibility. OUAS pays for possible costs of the separately asked statement. The working groups also identify possible applicants that have not submitted an explanation.

The study fields of health and social care and culture or the School of Vocational Teacher Education take care that the explanations delivered by the applicants are archived according to the current plan on archiving procedures (see Chapter 2.3 Handling of confidential information).

3.1.3 Measures taking place after the assessment of eligibility

The Admission Services / School of Vocational Teacher Education makes the markings to the application forms according to the statements of the SORA working groups and adds possible additional information. In addition to the decisions regarding possible SORA-impediments or SORA-accessibility decided by the SORA working groups of the study fields of health and social care and culture or the School of Vocational Teacher Education, any other reasons or other information are not written in the applications. If the SORA –working group has concluded that according to the SORA-legislation the applicant has impediments to be selected as a student, the Admission Services / School of Vocational Teacher Education marks the applicant as non-applicable in the application form. Every SORA-impediment is individual and applicant-specific and is valid for the current application time period. The conclusion of the SORA working group is written in the applicant's application form. Admission Services will notify the applicants of the decision of the SORA working group in writing.

3.1.4 Appeal regarding student admission and SORA-impediment

A person who has applied for entry to a University of Applied Sciences may lodge a request in writing with the University of Applied Sciences body for a rectification of the decision concerning admission within 14 days from the publication of the admission results (Chapter 9, Section 57.1 of the Act amending the Universities of Applied Sciences 257/2015).

If the applicant considers, that the admission decision of the University of Applied Sciences has not followed the admission principles or that the admission procedure has been processed incorrectly, the applicant shall first contact the University of Applied Sciences' Admission Services / School of Vocational Teacher Education. If the matter is not resolved, the applicant may appeal to the Rector of the University of Applied Sciences for a written amendment.

3.2 Principles of the revocation of study right

Prerequisite for the revocation of study right is, that a student admission decision has been made regarding the applicant. In the following subchapters the principles of revoking the study right are presented.

3.2.1 Unsuitability

...The student by repeatedly or seriously endangering the health or safety of another person has proved to be manifestly unsuitable to perform practical assignments or practice relating to studies (Chapter 6, Section 33.1 of the Act on Universities of Applied Sciences 932/2014).

OUAS is responsible that the students' know-how and skills regarding practical assignments or practice relating to studies have been verified. The working life verifies the orientation for the work community's operational principles and procedures.

Repeated endangering means that the student intentionally and repeatedly neglects the advice of person guiding the teaching situation or otherwise acts indifferently. The person receiving the information informs the Head of the Degree Programme, who will then follow if dangerous situations reoccur. Serious endangering means behaviour of a student, which may cause physical or psychic injury to another person.

3.2.2 Health

...It is evident that the student does not fulfil the prerequisites for admission referred to in Section 26.1 in regard of the state of health or functional capacity (Chapter 6, Section 33.1 of the Act on Universities of Applied Sciences 932/2014).

A factor relating to the health and functional capacity of an applicant may not preclude admission. However, a person whose state of health or functional capacity makes him/her incapable of acquitting the practical tasks or practice included in the syllabus where the safety requirements relating to studies referred to in Section 33 so entail and where the impediment cannot be removed with reasonable measures (Chapter 6, Section 26.1 of the Act on Universities of Applied Sciences 932/2014).

The University of Applied Sciences shall inform the applicants about the health-related demands and other prerequisites imposed by studies (Chapter 6, Section 26.3 of the Act of Universities of Applied Sciences 932/2014).

The revocation of the study right on the basis of state of health is possible only if the student admission has included a certain prerequisite considering state of health. The revocation of the study right is possible only if the student has consciously not informed about a matter related to state of health, which is the reason why the student could not have been selected to the study place in the first place. The revocation of study right requires a serious factor relating to physical or psychic functional capacity which may impede from functioning in the practical tasks or practice and where the impediment cannot be removed.

Where it is justified to suspect that the student has an impediment due to the state of health or functional capacity referred to in Section 33.1.2, he/she may be ordered to be examined by a registered health care professional where necessary for ascertaining the student's state of health or functional capacity. The University of Applied Sciences shall defray the cost of the examinations it orders. (Chapter 6, Section 34.1 of the Act on Universities of Applied Sciences 932/2014.)

In OUAS there is a SORA-board, which is chaired by the Vice Rector and a nominated secretary. Members of the board are the Director of Administration, a representative of the teaching staff (study field of health and social care/vocational teacher education), a student representative (nominated by OSAKO), Campus Study Counsellor/study counsellor and a representative from the student healthcare (a nurse/doctor). If needed, the SORA-board of OUAS invites other experts to join and asks for consultation from the national students' study rights board.

The SORA-board of OUAS verifies the necessity of the assessment and research and orders the student to participate them (Look at Chapter 3.3 The suspension and revocation process of study right).

Notwithstanding statutes concerning confidentiality, the University of Applied Sciences shall have the right, for the purpose of assessing the right to study, to obtain a written statement by a physician authorized to practice the profession independently and designated by the University of Applied Sciences which shows that the student has undergone an examination for ascertaining his/her state of health and an assessment of the student's functional capacity based on the examination because of the demands the studies make on health (Chapter 6, Section 34.2 of the Act on Universities of Applied Sciences).

The student shall deliver a written statement of a physician to the SORA-board in two weeks' time after the decision on the necessity of the statement has been made.

3.2.3 Previous revocation of a study right

... At the application stage, the student has concealed a decision to revoke the right to study referred to in Section 26.2 which could have prevented his admission as student (Chapter 6, Section 33.1 of the Act on Universities of Applied Sciences).

In the case of studies referred to in Section 33, admission shall also be precluded by a decision to revoke the right to study referred to in Section 32 of the Vocational Education and Training Act (630/1998), in Section 11.9 of the Adult Vocational Education and Training Act, in Section 33 of this Act or in Section 43a of the University Act where considerations relating to the protection of the health and safety of other persons so require. (Chapter 6, Section 26.2 of the Act on Universities of Applied Sciences.)

Study right may be revoked on the basis of a previous revocation of a study right if it has been asked about in the student admission.

Notwithstanding statutes concerning confidentiality, the university shall have the right to obtain information about a decision to revoke the applicant's right to study which is required in order to assess the right to study and the justifications for the decision from another University of Applied Sciences, a university and an education provider (Chapter 6, Section 34.3 of the Act on Universities of Applied Sciences).

Notwithstanding statutes concerning confidentiality, the University of Applied Sciences shall have the right to obtain information necessary for admission from another University of Applied Sciences concerning a process pending in regard of a revocation of the right to study referred to in Section 33 if the student has applied to the University of Applied Sciences as a transfer student (Chapter 6, Section 34.5 of the Act on Universities of Applied Sciences).

The chair of the SORA-board asks another university or an education provider for the information regarding the process pending in regard of a revocation of the right to study. The matter can be inquired from the joint application system's and transfer student admission's applicants and also from the applicants applying for a separate right to study and the applicants applying to become a degree student on the basis of their studies in the Open University of Applied Sciences.

3.2.4 Crime

Where the studies or practice relating to studies substantially require work with minors, the University of Applied Sciences may revoke the right to study where necessary in order to protect minors and if the student has been sentenced for a crime referred to in Chapter 17, Section 18, 18a or 19, in Chapter 20, in Chapter 21 Sections 1-3 or Section 6, in Chapter 31, Section 2, or in Chapter 50, Section 1, 2, 3, 4 or 4a (Chapter 6, Section 33.2 of the Act on Universities of Applied Sciences 932/2014).

What comes to the student's punishment in these cases, they are related to distribution of a sexually offensive picture, aggravated distribution of a sexually offensive picture depicting a child, possession of a sexually offensive picture depicting a child, sex offence, manslaughter, murder, killing, aggravated assault, aggravated robbery, narcotics offence, aggravated narcotics offence, preparation of a narcotics offence, abetting a narcotics offence or abetting an aggravated narcotics offence.

At the request of the University of Applied Sciences, the student shall provide an extract on his/her own entries in the criminal records referred to in Section 6.2 of the Criminal Records Act (770/1993) for the purpose of an assessment of the right to study referred to in Section 33.2 if the student is given assignments in studies or in practical training relating to the studies which substantially require working with minors (Chapter 6, Section 34.4 of the Act on Universities of Applied Sciences 932/2014).

The applicants are informed that every student substantially working with minors shall present an extract of criminal records. On the basis of the principle of equal treatment of all students, the extract of criminal records is presented by all students substantially working with minors before the study course starts. In the degree programmes in health and social care and culture, the study course descriptions are defined and marked about if they include substantial working with minors. In the study fields of health and social care and culture, the extract of criminal records is presented to teacher tutor or to the teacher responsible of practical training. Campus Study Counsellor/study counsellor acts as their vice person. In the Vocational Teacher Education, the extract of criminal records is presented to the Head of the Student Services. The student orders the extract of criminal records from The Legal Register Centre. The verifier of the extract verifies that the extract is not older than six months. Of the extract of criminal records, only the verifying of the extract, the person's name and the date of the extract are documented. This information is not marked into the student register system and the extract of criminal records is not archived. The verifier of the extract notifies the student of the study course's suitability for him/her.

The right to study can be revoked on the basis of an extract of criminal records for students who have started their studies in 1st January 2012 or after (Karjalainen, lecture 9th September 2011). A student who has started his/her/their studies before 1st January 2012 and has a marking on his/her/their extract of criminal records, is guided to a study course which does not include substantially working with minors. If the curriculum includes a study course which includes substantially working with minors, a personal study plan is created for the student.

3.3 The suspension and revocation process of study right

If a student refuses to undergo examinations for ascertaining his/her state of health referred to in Section 34.1, he/she may be banned from studies until he/she consents to undergo the necessary examinations. If a student refuses to provide an extract on his/her entries in the criminal records, he/she may be banned from studies until he/she consents to present the extract. (Chapter 6, Section 38.4 of the Act on Universities of Applied Sciences.) The University of Applied Sciences board shall make the decision referred to in Section 38.4 (Chapter 6, Section 39.3 of the Act on Universities of Applied Sciences 932/2014).

Before revoking the right to study, the University of Applied Sciences, together with the student, shall explore the student's possibilities to apply for some other education. With the consent of the student, the student may be transferred to some other

University of Applied Sciences education, where he/she fulfils the admission requirements. (Chapter 6, Section 33.3 of the Act on Universities of Applied Sciences 932/2014.)

The SORA working group in the field of social and health care or culture plus the Head(s) of Degree Programme and the student negotiate on the student's ability to continue in the degree programme following an individual study plan or to transfer to another degree programme. A document is prepared on the meeting, and the agreed measures are recorded on the document. Individual study plans are approved by the Head of Degree Programme. In the event that the student transfers to another programme voluntarily, the Rector makes a decision on the new degree programme, according to the proposal of the director of the new degree programme. The student's right to study in the programme ends and the extent of the new programme determines the length of the right to study. In the event that an agreement with the student can't be reached on updating the personal study plan or transferring to another programme, the matter is transferred to the SORA board.

The University of Applied Sciences board makes decisions regarding revoking the right to study. The necessary account investigation must be obtained concerning the matter and the student must be given an opportunity to be heard in the matter before the decision is taken to revoke the right to study. (Chapter 6, Section 39.1 of the Act on Universities of Applied Sciences 932/2014.)

The decision on the enforcement of an appealable decision and on the date on which the implementation commences shall be made at the same time as the decision to revoke the student's right to study, to dismiss the student or to ban the student from studies (Chapter 6, Section 39.4 of the Act on Universities of Applied Sciences 932/2014).

An appeal against a decision to revoke the right to study referred to in Section 33 or to return the right to study referred to in Section 35 shall be lodged with the students' legal protection board within 14 days of the receipt of the decision as provided in the Administrative Judicial Procedure Act. The process of appeal against a decision of the students' legal protection board is decided in the Act on Students' Study Rights Board (956/2011). (Chapter 9, Section 58.1 of the Act on Universities of Applied Sciences 932/2014.)

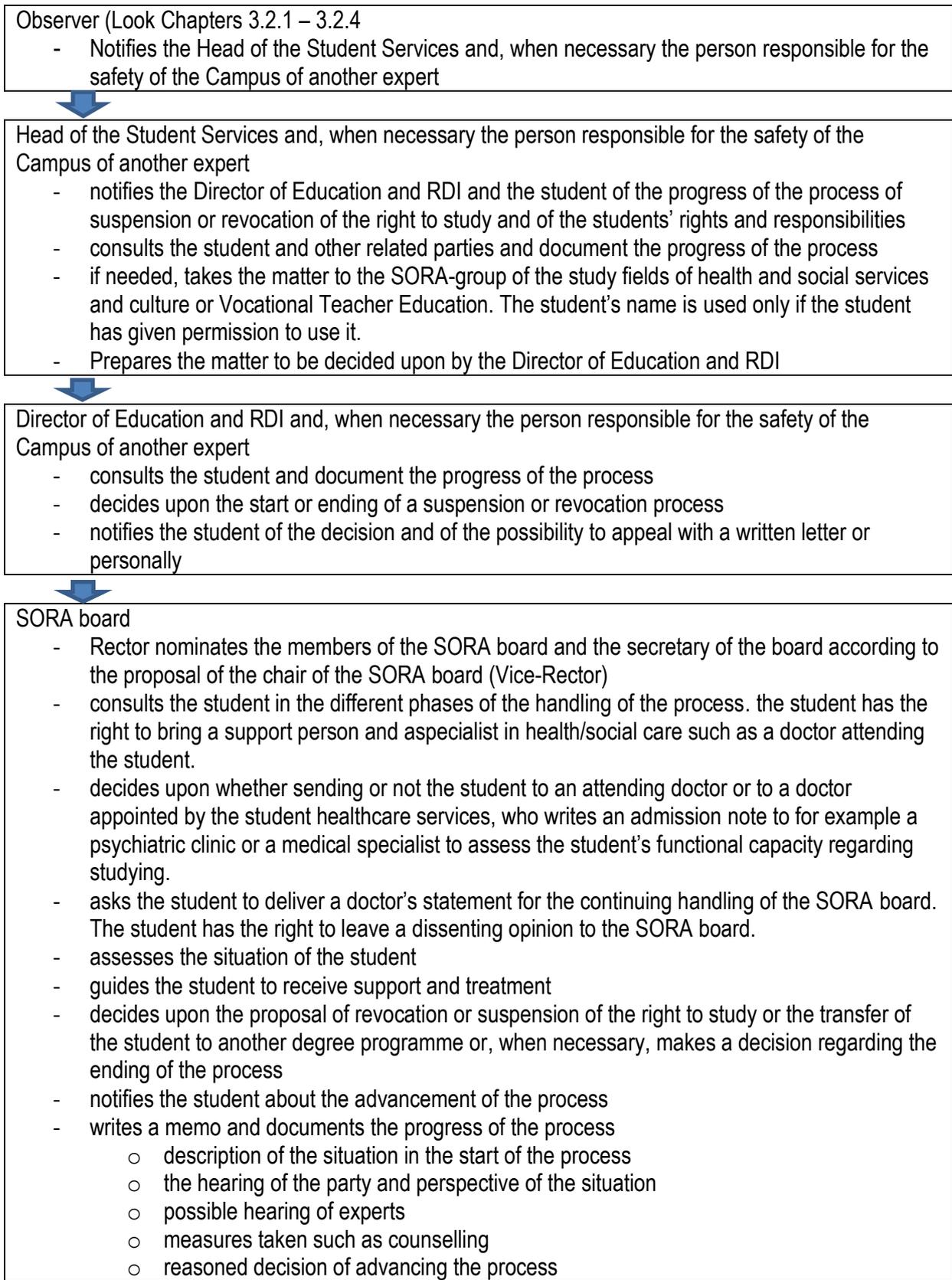
An appeal against other administrative decisions of a University of Applied Sciences is lodged with the administrative court within whose jurisdiction the University of Applied Sciences headquarters is located, as provided in the Administrative Judicial Procedure Act (586/1996), unless otherwise provided in this Act (Chapter 9, Section 58.2 of the Act on Universities of Applied Sciences 932/2014).

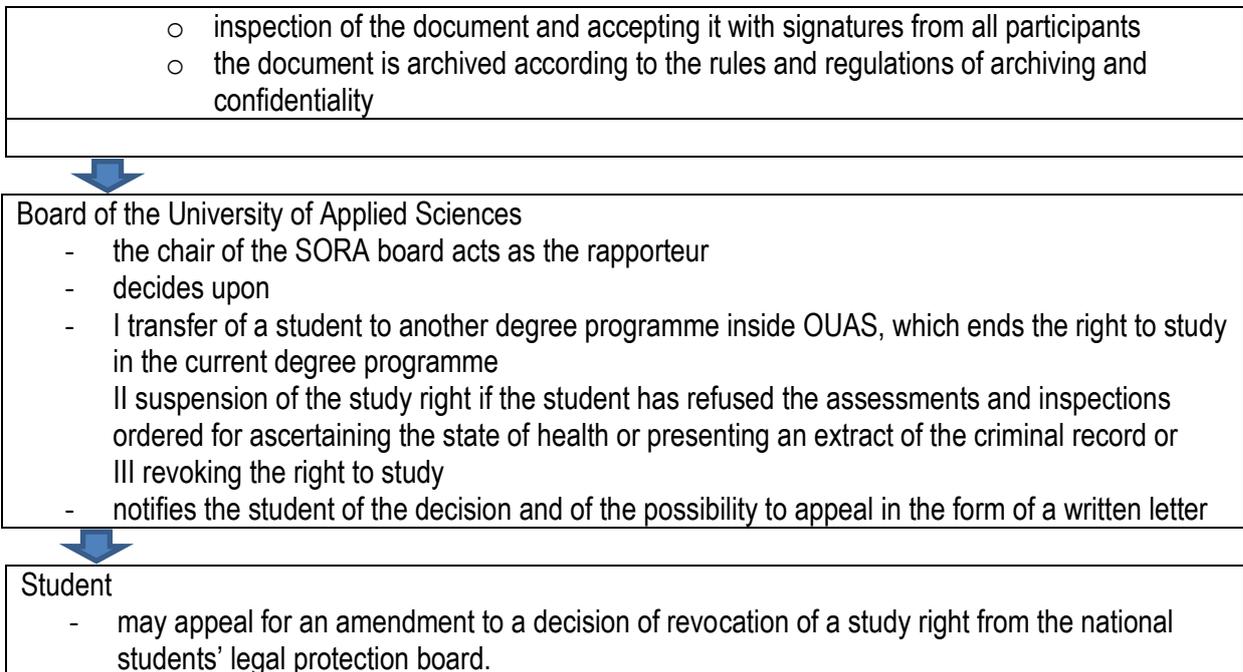
An appeal against a decision on the revocation of the right to study, returning of the right to study and the warning, temporary dismissal and ban from attending teaching as provided in the Section 38 shall be handled as urgent (Chapter 9, Section 58.3 of the Act on Universities of Applied Sciences 932/2014).

A decision on the revocation of the right to study, suspension of a student and ban on attending teaching may be carried out notwithstanding an appeal pending against it, unless otherwise decreed by an administrative court (Chapter 9, Section 59.1 of the Act on Universities of Applied Sciences 932/2014).

The chair of the SORA-board takes into account the possible confusion or conflicts of interests and presents the nominations of SORA-board members to the Rector for each individual process of suspension or revocation of right to study. If the suspension or the revocation of the study right regards a student of the study field of health and social care, a representative from the Vocational Teacher Education and vice versa.

Below the suspension and revocation process is described.





3.4 Process of returning the right to study

A person whose right to study has been revoked under Section 33.1 may apply to the University of Applied Sciences concerned for the return of the right to study. The right to study must be restored if the applicant proves that no reasons for the revocation exist any longer. The student must submit statements on his/her state of health to the University of Applied Sciences. The decision to restore the right to study shall be made by the University of Applied Sciences board. (Chapter 6, Section 35.1 of the Act on Universities of Applied Sciences 932/2014.)

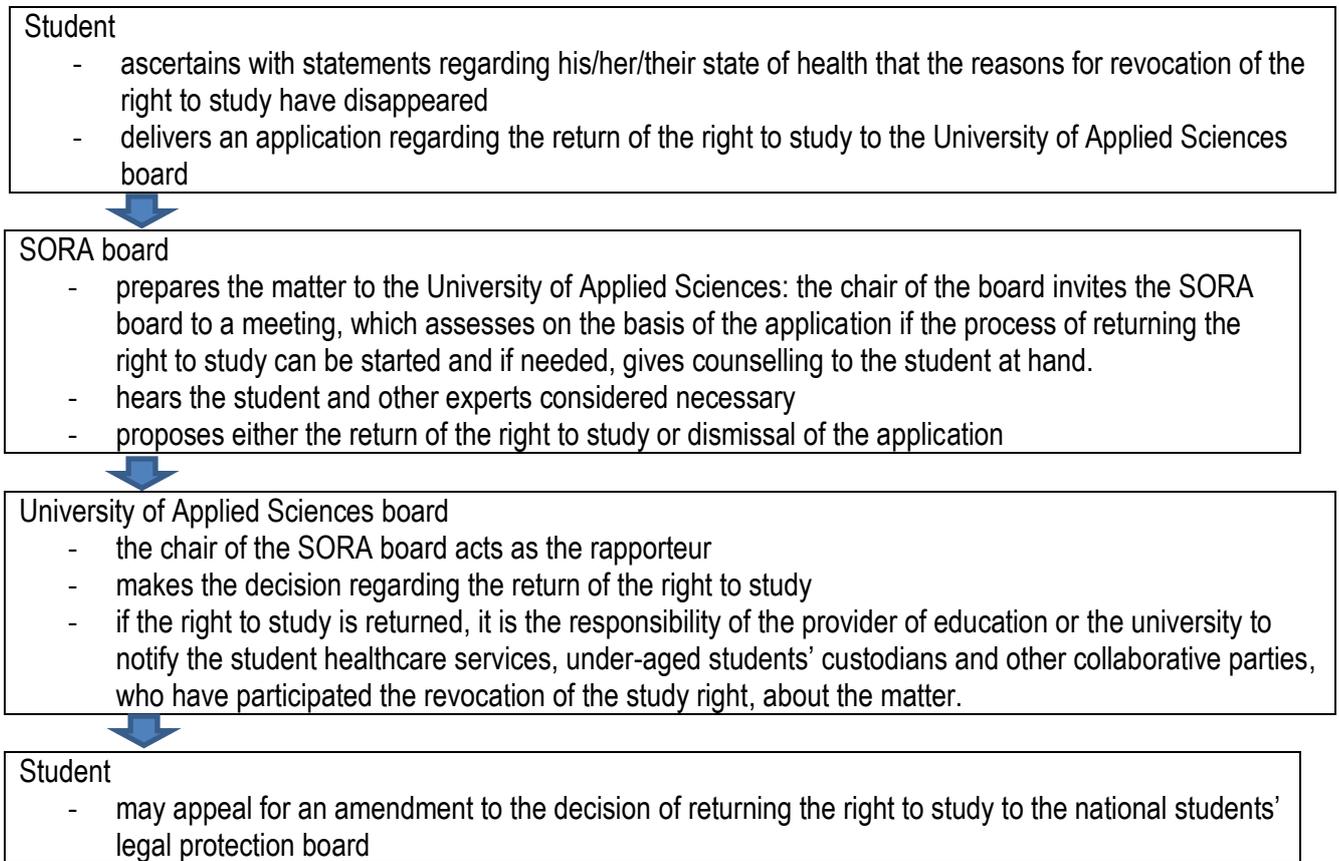
The right to study is possible to be returned, if the right to study has been revoked because of the state of health. There is no specific application time for applying for the return of the right to study.

The person applying for the return of the right to study delivers information regarding health, the revocation decision of the right to study and the degree programme specific requirements for the state of health to the doctor writing the statement.

An appeal against a decision to revoke the right to study referred to in Section 33 or to return the right to study referred to in Section 35 shall be lodged with the students’ legal protection board within 14 days of the receipt of the decision as provided in the Administrative Judicial Procedure Act. The process of appeal against a decision of the students’ legal protection board is decided in the Act on Students’ Study Rights Board (956/2011). The decision to revoke the right to study shall be made by the board of the university. (Chapter 9, Section 58.1 of the Act on Universities of Applied Sciences 932/2014.)

A person applying for the return of the right to study has right to get counselling related to the SORA board’s process of returning the right to study. Below is described the process of returning the right to study.

Providing procedures and solutions to deal with unsuitability of studying (SORA) -guidelines



3.5 National Students' Legal Protection Board

The Students' Legal Protection Board (Board) acts as the first instance of appeal judicial authority regarding the matters related to the revocation and returning of the right to study according to the Act on Universities of Applied Sciences (932/2014). (Section 1.1 of the Act Amending the Act on National Students' Legal Protection Board 1409/2011.)

From the proposal of the Ministry of Education and Culture, The Finnish Government nominates the Board for a three years' time period (Section 3.1 of the Act on Students' Legal Protection Board 956/2011). The Board consists of a part-time chairperson, vice chairperson and ten other part-time members (Section 2.1 of the Act on Students' Legal Protection Board 956/2011). The chairperson of the board shall have a Master's degree from the study field of law. Of the other members, one shall have expertise from vocational education, one from higher education, one from medical sciences, one from study health care and one from other student care service expertise. The Board shall also include representatives from the teaching staff and the students. (Section 2.2 of the Act on Students' Legal Protection Board 956/2011.)

Board includes a necessary amount of part-time rapporteurs who are nominated by the Ministry of Education and Culture. The rapporteur shall have a Master's degree from the study field of law. (Section 6.1 of the Act Amending the Act on Students' Legal Protection Board 1409/2011.) An officer of the Ministry of Education and Culture ordered by the Ministry acts as the secretary of the Board (Section 6.2 of the Act Amending the Act on Students' Legal Protection Board 1409/2011).

Appeal to the decision of the Board is done by appealing to the administrative court of Helsinki within 14 days of receiving the notification of the decision and otherwise as provided in the Administrative Procedure Act. The matter shall be handled as urgent. No appeal may be lodged against an administrative court's decision regarding the revocation or returning of the right to study. (Section 8a of the Act Amending the Act on Students' Legal Protection Board 1409/2011.)

3.6 Obligation to supply information

Notwithstanding statutes concerning confidentiality, the University of Applied Sciences shall have the right to obtain information about a decision to revoke the applicant's right to study which is required for admission and the justifications for the decision from another University of Applied Sciences, University, and an education provider (Chapter 6, Section 34.3 of the Act on Universities of Applied Sciences 932/2014).

Notwithstanding statutes concerning confidentiality, the University of Applied Sciences shall have the right to obtain information necessary for admission from another University of Applied Sciences concerning a process pending in regard of a revocation of the right to study referred to in Section 33 if the student has applied to the University of Applied Sciences as a transfer student (Chapter 6, Section 34.5 of the Act on Universities of Applied Sciences 932/2014).

Notwithstanding statutes concerning confidentiality, the University of Applied Sciences shall have the obligation to provide the National Supervisory Authority for Welfare and Health with information concerning a process pending in regard of a revocation of the right to study referred to in Section 33 and a revocation of the right to study or other decisions relating to the transfer of the student and its justifications which is necessary for the execution of the Authority's statutory duties (Chapter 6, Section 34.6 of the Act on Universities of Applied Sciences 932/2014).

Notwithstanding statutes concerning confidentiality, the University of Applied Sciences shall have the obligation to provide the National Supervisory Authority for Welfare and Health with information concerning a decision to restore the right to study and its justifications which is necessary for the execution of the Authority's statutory duties (Chapter 6, Section 35.2 of the Act on Universities of Applied Sciences 932/2014).

The chair of the SORA board supplies other University of Applied Sciences or education provider with the information considering a revocation of a student's right to study or of a process pending in regard of a revocation of the right to study regarding a student in midst of a transfer process from OUAS to another university. Also, the chair of the SORA board supplies information to the National Supervisory Authority for Welfare and Health considering a OUAS' student's handling process pending in regard of a revocation of a right to study, a revocation of a right to study, a transfer to another education or a decision regarding a return of a right to study and its reasoning.

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