

Approved at UAS Board 22 February 2012

Revised and approved at UAS Board 7 March 2013

Revised and approved at KPR 27 September 2016

Approved at UAS Board 24 October 2016

HUMAK UNIVERSITY OF APPLIED SCIENCES

Guide for revocation and restoration of the right to study

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1 BACKGROUND

The SORA rules and regulations concern actions and solutions relating to unsuitability for studies. The SORA rules and regulations are commonly referred to as the SORA legislation.

The SORA rules are a legislative package that includes the following acts: Vocational Upper Secondary Education and Training Act (630/1998), Vocational Adult Education Act (631/1998), Universities of Applied Sciences Act (932/2014) and Universities Act (558/2009). The SORA legislation does not apply to general upper secondary education. The legislation took effect on the 1st of January 2012.

The central objective of the SORA legislation is to improve the safety of education and the professional life after it, as well as to increase the opportunities of education programmes, education providers and higher education institutions to interfere with a student's unsuitability to his or her field. Another objective is to secure the legal protection of students in problematic situations relating to studying and to clarify the rules, so that the procedures are based on legislation and the regulations under the legislation.

1.1 Instructions at Humak University of Applied Sciences

The Board of the Humak University of Applied Sciences approved this guide for the first time on the 22nd of February 2012. This guide is revised when necessary. The guide is revised by Humak's student well-being group.

1.2 Education programmes that the legislation applies to at Humak

The SORA legislation on issues relating to the revocation and restoration of the right to study is applied to students in the following education programmes:

- **Community Educator (Bachelor's Degree)**
- **Interpreter (Bachelor's Degree)**

Regarding drug testing, the legislation is applied to all students at Humak according to the current drug and alcohol abuse prevention plan.

At Humak, the documents guiding towards an anti-discriminatory and safe study environment, ethical operations and legal protection of students and comfortable and unobstructed studying concern all Humak's students.

2 PREREQUISITES FOR STUDENT ADMISSION

At Humak, demands on state of health can be placed upon applicants to Humanities and Education fields. Humak follows the recommendations compiled by the Humanities and Education fields' student selection group for the demands on state of health in application criteria. However, the issue relating to state of health or functional capacity cannot preclude student admission if the impediment can be removed with reasonable measures.

In student selections, the principle of non-discrimination is applied to the applicants, which means that no one may be discriminated against based on age, origin, nationality, language, religion, belief,

opinion, political activity, trade union activity, family relationships, state of health, disability, sexual orientation or other personal characteristics. Discrimination is prohibited, regardless of whether it is based on a fact or assumption concerning the person him/herself or another. (Non-discrimination Act 1325/2014). The implementation of non-discrimination requires accessibility in student selections, which is discussed in more detail in the Accessibility at Humak guide.

However, a person whose state of health or functional capacity precludes his or her participation in the practical tasks and training relating to studies cannot be admitted as a student. When the studies impose demands on the safety of minors or patient or client safety, Humak requires additional information from the applicant based on the selection criteria.

A previous decision on the revocation of the right to study may also preclude student admission if issues relating to protection of another person's health and safety require it. An earlier decision on the revocation of the right to study does not automatically preclude applying to the above-mentioned education programmes, as each case is considered individually.

2.1 Access to information relating to student selection

Humak provides student applicants with information concerning the type of demands on state of health and other prerequisites that relate to studies (for example the information that a previous decision on the revocation of the right to study may preclude student admission). The demands on state of health are included in the attachments. The applicant must provide the information concerning his or her state of health required for the evaluation of student admission.

The applicant is asked to inform at the application stage if he or she, based on his or her own assessment, fulfils the demands on state of health and functional capacity required in the studies. If the applicant's notice provides reason for it, Humak may require more detailed records on his or her state of health, in order to assess the applicant's treatment or rehabilitation situation and necessary measures.

At Humak's request, the applicant must also provide information on an earlier decision on the revocation of the right to study required for the evaluation of student admission. Humak has the right to obtain necessary information required for student admission on a decision concerning the student applicant's revocation of the right to study and its justifications from another educational institution.

The student selection is conditional until Humak has checked the documents it has required from the applicant. Humak may reverse the selection if the required documents are not submitted in the period given by the university of applied sciences or if the applicant has given false information about him/herself at the application stage.

Procedure with information concerning the applicant's state of health and functional capacity

- The applicant sends out a notice with a form on the Opintopolku.fi (Studyinfo) service.
- The applicant is informed on the Studyinfo service to contact the applicant services of the university of applied sciences if he or she has health-related impediments concerning the education he or she is applying to.
- After the application period, the applicant is sent an email where he or she is asked to submit a report on his or her state of health and functional capacity.

- The Head of Academic Affairs and the degree programme's principal lecturer will process the applicants' reports. If necessary, the applicant may be asked to provide an additional report, e.g., a medical certificate.

- The information concerning state of health will be processed with absolute confidentiality. If the applicant is selected as a student, the documents on his or her state of health and functional capacity will be archived. If the applicant is not selected as a student, the documents are disposed of according to Humak's instructions on disposal of documents containing personal information. The documents on state of health will be kept in the Study Affairs Office separate from other documents relating to the student. The confidential documents concerning state of health (sensitive information) will be reliably archived for four years, after which the documents will be disposed of according to Humak's instructions on disposal of documents containing personal information.

3 REVOCATION AND RESTORATION OF THE RIGHT TO STUDY

3.1 Revocation of the right to study

According to the Universities of Applied Sciences Act (932/2014, section 33), a student's right to study in the Humanities and Education UAS degree programmes may be revoked as a last resort. The revocation of the right to study is possible if the studies impose demands on the safety of minors or patient and client safety or traffic safety and if

- 1) the student in his or her studies, by repeatedly or seriously endangering the health or safety of another person, has proven to be manifestly unsuitable to perform practical assignments or practical training relating to studies;
- 2) it is evident that the student does not fulfil the prerequisites for admission referred to in the Universities of Applied Sciences Act section 26, subsection 1, in regard of his or her state of health or functional capacity; or
- 3) at the application stage, the student has concealed a decision to revoke the right to study referred to in the Universities of Applied Sciences Act section 26, subsection 2, which could have precluded his or her admission as a student.

When the studies or practical training relating to them substantially require working with minors, Humak may revoke the right to study where necessary in order to protect the minors, and if the student has been sentenced for distribution or possession of a sexually offensive picture, sex offence, aggravated offence against life or health, or a narcotics offence more severe than a petty offence.

3.1.1 Revocation of the right to study based on unsuitability

The revocation of the right to study based on unsuitability requires that the student, with his or her actions or negligence, has repeatedly or seriously endangered the health or safety of another person.

Repeated endangerment may result from a deficient or faulty procedure or a disregarding attitude that continues in spite of warnings. Serious danger may be caused when, for example, a student substantially neglects the safety regulations of a place of training.

An individual incident resulting from carelessness does not fulfil the prerequisites for the revocation of the right to study if the deed or negligence does not demonstrate evident unsuitability for performing practical assignments or training relating to studies.

The revocation of the right to study based on unsuitability applies to all the students who have started their studies after the 1st of January 2012 in the education programmes mentioned in section 1.2.

3.1.2 Revocation of the right to study based on state of health and functional capacity

The revocation of the right to study based on state of health or functional capacity is possible only exceptionally and only when the student selections have required a certain state of health (see 3.1 above). However, the revocation of the right to study based on state of health or functional capacity does not require that another person's safety has already proven to have been threatened. Health requirements stated in the SORA provisions can only be demanded from students applying to studies and starting studies after the 1st of January 2012.

The revocation of the right to study based on state of health and functional capacity may be required in situations where a student, based on the provision regarding the impediments for admission, could not have been admitted to the education programme if the information regarding his or her state of health had been known at the application stage. The justifications for the revocation may also be such serious factors affecting physical or mental capacity that preclude performing practical assignments or training.

Serious disturbances do not include mental health issues that, when treated, do not preclude admission and participation in the education programme. An acute drug problem or serious endangerment of student safety caused by the use of narcotics can be serious disturbances. There is no basis for the revocation of the right to study if the impediment can be removed with reasonable measures (see section 2).

If a student is suspected to have an impediment due to his or her state of health or functional capacity that could be a basis for the revocation of the right to study, he or she may be ordered to be examined by healthcare professionals. Humak defrays the costs of the examinations it orders.

Humak may, at its discretion, ask a student to produce a medical statement indicating an assessment made of the student's functional capacity based on an examination. If a student refuses to undergo a medical examination, his or her right to study may be put on hold until he or she consents to undergo the required examinations in 1 month's time, at the latest. If a student does not consent to undergo the required examinations within 1 month's time, the process for the revocation of the right to study is initiated.

3.1.3 Revocation of the right to study due to an earlier decision on revocation

The revocation of the right to study is possible if, at the application stage, a student has concealed a decision to revoke the right of study that could have precluded his or her selection as a student. The revocation of the right to study based on the concealment of an earlier decision on revocation requires

that Humak has asked for information on a decision on the revocation of the right to study at the application stage.

Humak has the right, for the purposes of the assessment of the right to study, to obtain essential information from another educational institution about a decision on the revocation of the right to study, including its justifications (for example, whether the right to study has been revoked based on unsuitability or an impediment relating to health and functional capacity). Humak also has the right to hand similar information to another educational institution. At Humak, the person who is responsible for handing and asking for information is the Head of Academic Affairs.

3.1.4 Revocation of the right to study based on a criminal record report

The revocation of the right to study based on a criminal record report relates to the need to protect the personal integrity of minors. Before starting a supervised internship relating to studies, a student may be asked to submit a criminal record report, if the internship substantially involves working with minors. **This only applies to students who have begun their studies on or after the 1st of January 2012.**

The crimes under consideration are the same as the crimes listed in the Act on Checking the Criminal Background of Persons Working with Children. A criminal conviction does not automatically lead to the revocation of the right to study, as each case is judged individually. Factors that may impact the judgement include, for example, the field of education, the crime committed, the date of the crime and the length of the sentence.

A student orders a criminal record report for study purposes from the Legal Register Centre. The report may be ordered with an informal written application or by using a form or a digital application designed for this purpose. If asked, a student must announce the purpose for which the criminal record report is needed (studies). A report given for the purpose of studies is free of charge.

If a student refuses to present a criminal record report, his or her right to study may be put on hold until he or she consents to submit the criminal record report in 1 month's time after the request for the presentation, at the latest. If a student does not present a criminal record report within 1 month, the process for the revocation of the right to study is initiated. If the acquisition of a criminal record report is proven to be delayed for a reason outside of a student's control, the period indicated for the presentation may be extended.

Guide for action

All students in the Humanities and Education fields will be asked to present a criminal record report, if their studies or training relating to studies substantially require working with minors and children. A student must present the criminal record report to the coach responsible for the group before the start of the first period of training, and at the latest 1 month before the start of the internship. Students are informed of the obligation to submit the criminal record report at the beginning of their studies, and they are responsible for submitting it within the intended period. A student cannot start his or her first period of training before submitting the requested criminal record report. As a rule, the criminal record report is presented only once during studies, but the Humak University of Applied Sciences may, at its discretion and for a justified reason, request that a report be presented later during the course of studies as well.

The coach responsible for the group will display the report and note its date of issue and date of display. If necessary, the coach may discuss with the degree programme's principal lecturer any further action required by the information contained in the criminal record report, e.g. the choice of internship placement or informing the Director of Education for the assessment of further measures. The information contained in the criminal record report and the resulting measures will not be discussed by the regional unit's student welfare team.

The criminal record report is not requested from the students of Humanities and Education UAS degrees whose personal study plan does not include a training period or whose training does not substantially involve working with minors.

3.2 Process for the revocation of the right to study

The revocation of the right to study is not a punitive measure, but rather a revision of the student selection and its purpose is to improve the safety of the study and working environments. Before taking up measures for revocation, the means with which to help the student are examined together with the student. Students are secured an access to sufficient study guidance and student welfare services, as well as other preventive support services.

3.2.1 Initiation

Observation and first measures

The process for the revocation of the right to study starts when a member of staff or an internship supervisor makes an observation of a defect in a student's functional capacity. The person making the observation contacts the coach. For a place of training, the primary person to contact is the lecturer who signed the internship contract, who will take the case forward to the coach.

At Humak, the decision to initiate the process for the revocation of the right to study is made by the Director of Education after hearing both the coach and the student. Before settling the case, the student must be heard and he or she must be reserved an opportunity to see the documents that serve as the basis of the decision. The student has the right to ask either a representative of the Student Union HUMAKO or a student representative of his or her choice to join the conversation.

For both the student and the staff's legal protection, it is important that each stage of the process is documented clearly, including the original contact by the person who made the observation. The documentation must be sufficiently precise in order to verify the case later. The contact about the observation and the conversations between the coach and the student are documented in a memorandum in which at least the following is recorded:

- a description of the situation and the original observation
- an interested party's view of the situation
- the decision to take the case forward or end the process with justifications
- the review and approval of the document with the signatures of all parties
- that the documents are archived in the Study Affairs Office, where they will be stored with consideration for the provisions regarding archiving, confidentiality and disposal.

The decision on potentially initiating the process for the revocation of the right to study and taking the case forward to the Board of the University of Applied Sciences is made by the Director of Education.

3.2.2 Decision and request for review

The decision on the revocation of the right to study is made by the Board of the University of Applied Sciences based on a presentation by the President. The decision made by the university of applied sciences is delivered to interested parties with a confirmation of delivery, with consideration for secrecy provisions.

A request for a review of a decision on revocation may be lodged with the national students' legal protection board within 14 days of being notified of the decision and after that, if necessary, with Helsinki Administrative Court. The decision on revocation may be carried out regardless of the appeal unless the national students' legal protection board or the administrative court denies the implementation of the decision.

Before revoking the right to study, the student, together with the admissions office and the coach, will examine whether the student can transfer to another education programme within the higher education institution. With the student's own consent, he or she may be transferred to another education programme within the university of applied sciences where he or she fulfils the admission prerequisites. The Director of Education will produce a written decision to transfer the student to another education programme and the renunciation of the present right to study will be recorded at the same time.

Humak offers personal study guidance during the process for the revocation of the right to study. Humak works together with authorities providing and organising student health services and student services, as well as with other authorities, and provides information to the student regarding the benefits and services that these organisations offer. If necessary, the student will be guided to apply for these benefits and services.

3.3 Access to information relating to the revocation of the right to study

Humak has the right to obtain information from another higher education institution concerning any pending process on the revocation of the right to study if the student has applied to Humak as a transfer student. The request for the information is made by the Head of Academic Affairs.

3.4 Restoration of the right to study

A student may apply for restoration of the right to study, if the right to study has been revoked based on an issue relating to state of health or functional capacity. The restoration of the right to study requires that the applicant can prove that the reasons for the revocation no longer exist and that he or she submits statements to Humak concerning his or her state of health. There is no time limit for the application for the restoration of the right to study.

The request for the restoration of the right to study will be submitted to the President of Humak. The person applying for the restoration of the right to study always has the right to be heard in his or her case. In preparing the case, the President may also hear a professional teacher director, a doctor, a nurse and other experts he or she deems necessary.

The President will make a presentation on the decision on the case and present it to the Board of the University of Applied Sciences. In their process, the Board of the University of Applied Sciences will either approve of the presentation on the decision or return the case to be prepared again. The Board

will no longer process the details of the case except for the parts which have emerged in the President's presentation.

A request for a review of a decision on restoration may be lodged with the national students' legal protection board within 14 days of the receipt of the decision and after that, if necessary, with Helsinki Administrative Court. Regardless of whether the decision approves of restoration or denies it, the student has the right to receive guidance to support services.

4 NATIONAL STUDENTS' LEGAL PROTECTION BOARD

The national students' legal protection board is a first-degree appeal body for issues concerning revocation and restoration of the right to study. The board is regulated by the Act on the Students' Legal Protection Board (956/2011).

The board is an autonomous and independent appeal body whose purpose is to ensure a uniform implementation practice in cases of revocation and restoration of the right to study. The cases on revocation and restoration of the right to study are processed as urgent. The board may deny the implementation of a decision on revocation either on the student's request or by its own initiative. The board is appointed by the Finnish Government on the presentation of the Ministry of Education and Culture for three years at a time, and in addition the ministry appoints a necessary number of part-time presenting officers for the board.

The board is composed of a part-time president, vice president and ten other members. It is ensured that the board includes experts on medical, legal and educational matters, as well as representatives for the teaching staff and students.

5 PROCESSING SENSITIVE INFORMATION

At Humak, the following positions may involve processing sensitive information:

- Board of the University of Applied Sciences
- President
- Director of Education
- person appointed by the Study Affairs Office and/or applicant services
- Head of Academic Affairs
- degree programme's principal lecturer
- lecturer responsible for student well-being
- lecturer supervising training
- coach
- person responsible for entrance exams

Information on a student's state of health relating to the revocation and restoration of the right to study may only be processed by the persons who prepare or make a decision on student selection, revocation or restoration of the right to study, or discipline. The criminal record report may only be processed by the persons who prepare or make a decision on the revocation of the right to study. All persons participating in preparation or decision-making are obligated to maintain confidentiality.

In processing the revocation and restoration of the right to study, personal information is kept secret for as long as possible. Sensitive documents are kept separate from a student's other documents and

are removed instantly as soon as their preservation has no statutory grounds, and 4 years after the information has been documented, at the latest.

All irrelevant circulation of confidential information will be interfered with (Administrative Procedure Act 434/2003, section 13).

6 RIGHT TO OBTAIN INFORMATION

Notwithstanding secrecy provisions, the holder of information has the right to give information on a student's state of health and functional capacity to the persons preparing or participating in decision-making on the revocation or restoration of the right to study if it is necessary for the decision-making of the information's receiver.

At Humak, the persons responsible for obtaining and receiving information from other higher education institutions/external authorities are the Director of Education and the Head of Academic Affairs.

Notwithstanding secrecy provisions, information on a student's state of health and functional capacity as is necessary for the execution of duties may be supplied by the holder of the information to:

- the President of the University of Applied Sciences and another person responsible for the security of the university of applied sciences for the purpose of ensuring the safety of studies
- the persons responsible for study guidance (coach) for the purpose of guiding the student to other studies and support services
- the persons responsible for student healthcare for the purpose of ensuring the student's health and safety and guiding the student to necessary support services
- the persons responsible for practical training for the purpose of ensuring the safety of the student and the staff and customers at the place of training
- the police and the representative of the university of applied sciences who is primarily responsible for investigating threats to security for the purpose of assessing if there is an imminent threat to safety or if, in an assessment of state of health, the student is deemed to pose a danger to the safety of others.

SOURCES

Universities of Applied Sciences Act 932/2014

Accessibility at Humak

Degree Regulations of Humak University of Applied Sciences

Health and functional capacity required for studies

Universities of Applied Sciences Act 932/2014

Criminal Records Act 770/1993

Act 956/2011 on the Students' Legal Protection Board

OKM, ratkaisuja opiskeluun soveltumattomuuteen, SORA -lainsäädäntökoulutus ylikkohtaja Sakari Karjalainen, 16.9.2011 Heureka, Vantaa.

SAMOK recommendations

Early support model (incl. the former "Sobriety at Humak" guide)

Non-discrimination Act

ATTACHMENTS

1. Health and functional capacity required for studies
2. [Act 956/2011 on the Students' Legal Protection Board](#)
3. [Universities of Applied Sciences Act 932/2014](#)
4. [Act 215/2012 amending the Criminal Records Act](#)
5. [Degree Regulations of Humak University of Applied Sciences](#)
6. [Sobriety at Humak](#)
7. [Accessibility at Humak](#)
8. [SAMOK recommendations](#)
9. [Non-discrimination Act](#)

Attachment 1. Health and functional capacity required for studies

If you plan to apply for a study programme leading to a degree in the fields of social services and health care, humanities and education, sports and exercise or seafaring, you have to assess your own suitability to the field already at the application stage, on the basis of your health and functional capacity.

Field-specific requirements on health and functional capacity can be found in [UASinfo.fi](https://uasinfo.fi)

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