HAMK
Hämeen ammatti-
korkeakoulu

Guideline:
SORA legislation and its application

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1. SORA legislation and its application at Häme University of Applied Sciences

The legislation on unsuitability for study (SORA) has been in force since the beginning of 2012. Universities of applied sciences are regulated by the Act on Universities of Applied Sciences (932/2014), the Act on the amendment of section 6 of the Criminal Records Act (955/2011), and the Act on the Students' Legal Protection Board (L956/2011). For its part, the legislation strives to contribute to the improved safety of study and work environments. The legislation increases the education institute's opportunities to intervene in student-related unsuitability and safety issues. Its objective is to improve patient and client safety, the safety of the study and work community, and the legal protection of students.

SORA legislation applies to e.g. drug testing and disciplinary action, the processing of sensitive data, student admission criteria, the revocation and restoration of the right to study, and the presentation of an extract from the criminal records. The objective of the legislation is to ensure that admitted students are sufficiently healthy and have the functional ability required for studying and completing any traineeships as part of the studies in their field. In addition, SORA safeguards access to information for higher education institutions and authorities.

The SORA provisions concerning drug testing, disciplinary action, and the processing of sensitive data apply to all students of Häme University of Applied Sciences (HAMK). In other respects, SORA provisions are specific to each field of study.

The application of the SORA legislation at HAMK is steered by these guidelines. Students can find publicly available information on SORA procedures on HAMK's website.

2. Special factors applying to studies in the social and health care fields and professional teacher education

The SORA legislation takes into account field-specific issues that at HAMK concern the following studies in both Finnish and English:

- Bachelor of Health Care (Nursing)
- Bachelor of Health Care (Public Health Nursing)
- Bachelor of Health Care (Social Services)
- Professional teacher education
- Professional special needs teacher education
- Professional guidance counsellor education

2.1. Student admission

Persons applying for studies have the right to receive information on the factors they should consider when applying for studies. These factors may be related to requirements concerning the applicant's health and functional capacity or to a previously revoked right to study. An applicant's prerequisites for admission are also evaluated in studies which involve requirements concerning the safety of minors or patient and information security. Information on field-specific health requirements is provided during the student application process.

On the application form, persons applying for the above-mentioned degree programmes are asked about any health-related issues and revocations of a previous study place due to the applicant's state of health or due to putting the health or safety of other persons at risk. At the request of the university of applied sciences, applicants must provide details of their health as required for the assessment as well as any information on a decision revoking a previous right to study. The education provider is also entitled to receive any decisions on the student's previous revoked right to study and related justifications from another educational organisation.

If the applicant, in their application, notifies of an obstacle as described above, their admission as a student is conditional. Students admitted conditionally must fill in a nationally used form to provide more details on their health-related obstacles and deliver the form to the university of applied sciences by the deadline. The Head of Degree Programme processes the form and decides if the obstacles can be overcome by reasonable accommodations. If the Head of Degree Programme decides against admitting the applicant or if the applicant fails to submit the requested health report or report on a revoked right to study by the deadline, their conditional admission is revoked. The applicant receives a decision on the revocation of the conditional admission. If the student has failed to report an obstacle during the application process which is then observed during their studies, the procedure for revoking the student's right to study is followed as detailed in section 2.4.

The Head of Degree Programme conducts the assessment and decides on admission. The decision is stored in the case management system.

2.2. Extract from the criminal records

If the practical tasks of the field of study at the educational institution, workplace, or other learning environment require substantial work with minors, the higher education institution must ensure before these tasks begin that the student does not have a criminal

background as defined under the SORA legislation. The student must present an extract from the criminal records for a review of their criminal background. The extract from the criminal records is checked before the student starts in their traineeship, and the student's identity is verified in connection with the check.

The extract from the criminal records is free of charge and can be obtained from the Legal Register Centre. The extract from the criminal records may not be more than six months old when presented to the educational institution. The extract should include details of any decisions that have convicted the student for an offence against children, sexual and violent crime, narcotics offence, or crime against freedom. If the student has a criminal record indicating any of these offences, HAMK always initiates the process for revoking the student's right to study to safeguard customer and patient safety. The process is defined in section 2.4.

If the student refuses to present an extract from the criminal records, their right to study may be suspended until they agree to submit the extract; however, no later than 1 month from the request for submission. If the student does not submit the extract from the criminal records within one month, HAMK initiates the process of revoking the right to study. If receiving an extract from the criminal records is demonstrably delayed for reasons outside of the student's control, they may be granted an extension to the deadline for submitting the extract.

The student presents the extract from the criminal records to a person appointed by the Rector who is responsible for official duties and who has the authority to prepare the revocation of the right to study in the degree programme in question in accordance with the programme guidelines. This representative imports the details of the presented extract from the criminal records to Peppi where it will be visible in the student's additional information section.

2.3. Prerequisites for revoking the right to study

Revoking a student's right to study requires that the applicant has been admitted as a student. The provision on revoking the right to study is never absolute under any circumstances, but each case is considered individually.

Under section 33 of the Universities of Applied Sciences Act, a university of applied sciences may revoke a student's right to study if:

- the student has, by repeatedly or seriously endangering the health or safety of others in their studies, proved to be manifestly unsuitable to take part in the practical tasks or training connected with the studies;

- it is clear that the student does not, in terms of their health or functional capacity, meet the student admission criteria;
- the student has, during the application process, withheld details of a decision on a previous revocation of the right to study that could have prevented them from being selected as a student.

If the studies or work placement included in the studies essentially require working with minors, the university of applied sciences may revoke the right if it is necessary for the purpose of protecting minors and if the student has convictions for offences against a child, sexual and violent offences, crimes against freedom, and/or narcotics offences (a list of convictions shown on the extract from criminal records: section 6 of Criminal Records Act, 770/1993). If the student's extract from the criminal records shows convictions of any of the aforementioned offences, HAMK always initiates the process of revoking the student's right to study as detailed in section 2.4.

Revoking the right to study on the grounds of the student's health or functional capacity is only possible in exceptional cases when it is evident that the student's health and functional capacity are not adequate for the performance of the practical assignments or work placements that are part of their studies in a manner that is safe for clients and patients; moreover, revoking the right to study is only possible if health requirements have been provided in the student admission process. This situation may arise in cases when a student has withheld pertinent information related to their health or functional capacity during the application process, or if a student falls ill or loses their functional capacity during their studies. If the impediment can be removed with reasonable measures, there are no grounds for revoking the right to study. The Head of Degree Programme evaluates what measures are reasonable.

Revoking a right to study on grounds of health and functional capacity does not require that the safety of another person has already been practically at risk. The grounds for revocation may also include serious factors affecting the student's physical or mental ability which prevent them from performing practical tasks or completing the work placement in a manner that is safe for clients and patients.

With regard to substance abuse and drug testing, the procedures followed at HAMK are detailed in its programme for preventing substance abuse. If a student in a degree programme in the scope of the SORA legislation is found to have used narcotics or other intoxicants for the purpose of intoxication in situations related to studies or the work placement, HAMK will always initiate the process of revoking the right to study as detailed in section 2.4.

2.4. Process of revoking the right to study

The process of revoking a student's right to study may be initiated for grounds detailed in sections 2.1, 2.2, and 2.3.

As a result of the process:

- the Head of Degree Programme decides to propose to the Rector that the right to study be revoked, who, in turn, may propose this to the board of the UAS
- if possible and based on mutual agreement, the student's right to study is transferred to a different degree programme since the student cannot continue their studies in their current degree programme
- the Head of Degree Programme decides that the student can continue their studies in a supported manner and decides on reasonable measures to achieve the necessary support
- the Head of Degree Programme decides that action is not necessary.

2.4.1. Bringing up and discussing suitability concerns

If e.g. a member of personnel raises concerns about a student's suitability for the field of study, they contact the Head of the Degree Programme in question. Raising concerns about a student does not always lead to an investigation or the revocation of their right to study, but the first step is discussing the situation with the student.

2.4.2. First discussion and memorandum

The Head of Degree Programme has a discussion with the student to make sure that the student has all the support necessary for completing their studies and information on different forms of support. If they so wish, the Head of Degree Programme may include relevant persons in the discussion, such as the Dean of the School or a representative from student wellbeing services. The student is notified beforehand if any additional persons will participate in the first discussion, and if they so wish, the student can bring their own support person to the discussion.

The Head of Degree Programme documents this first discussion with a memorandum recording at least the following factors:

- a description of the situation and the original observation and, if necessary, reports from other involved parties;
- the student's perspective on the situation;
- checking and approving of the memorandum with the signatures of all participants.

After signing, the memorandum is appended with the Head of Degree Programme's decision on the follow-up measures in the case, which may include initiating the revocation of the right to study or closing the case with justifications.

The memorandum and decision are archived in the case management system, where they are stored as required by provisions on the archiving, confidentiality, and destruction of data. The student receives an email on the decision. The decision cannot be appealed.

2.4.3. Decision to initiate the process of revoking the right to study

If the Head of Degree Programme decides on initiating the process of revoking the right to study, the process follows the steps detailed here. The first stage of the process is notifying the student that the process has been initiated and what its possible outcomes are. In addition, the Head of Degree Programme in Health Care and Social Services notifies the Finnish Supervisory Agency on the initiation of the processing of revoking the student's right to study.

The Head of Degree Programme may require that the student undergo examinations carried out by a health care professional if there is a justified reason to suspect that the student has an obstacle related to their health or functional capacity that could justify the revocation of their right to study. The higher education institution is responsible for covering the costs of any health examinations it requires students to undergo. At this stage of the process, a discussion on the student's health may be organised, which the FSHS can carry out as part of an assessment of unsuitability under the SORA legislation. The initiative for the discussion may come from the student or, with the student's consent, a member of teaching staff at the higher education institution or an employee of student wellbeing services, student administration, or student health care.

The higher education institution has the right to receive a medical statement on the student's health and/or information on a previous decision to revoke the right to study.

If the student refuses to submit the statement or the required information, the Head of Degree Programme has the right to request the medical statement from the FSHS and information on a previous decision to revoke the right to study from another educational organisation.

After all the necessary information has been gathered and the possibility of the student transferring to another degree programme has been examined and the student has e.g. undergone the required health examinations, a hearing will be arranged for the student.

The Head of Degree Programme determines the time limit for the student's formal hearing and sends the student an invitation to the hearing with an acknowledgement of receipt, and the student is notified by e-mail that this invitation has been sent. The invitation includes details on the purpose of the hearing and the deadline for the student's response. The

deadline for submitting a response to the hearing may not be earlier than 14 days from the date of sending the invitation.

All information that HAMK gathered on the matter is appended to the invitation. The hearing is held in writing, meaning that the student submits their report in writing by the deadline. For the hearing, the student may be obliged to submit certificates or information required for the process (e.g. results of a drug test, extract from the criminal records, medical statement from the FSHS, etc.). The Head of Degree Programme and the Head of Study Services participate in the preparation of the hearing and the processing of the student's response. The Head of Study Services produces a memorandum on the hearing which is archived afterwards.

The purpose of the hearing is to give the student the chance to express their opinion on the collected documentation and to provide a report of such requirements and reports that may have an impact on the decision on the case. In connection with the hearing, the student may indicate their willingness to transfer to another degree programme if the possibility has been offered.

The memorandum of the hearing and its appendices as well as the student's written report are archived in the case management system.

2.4.4. Suspension of the right to study

A student's right to study may also be suspended as a disciplinary measure if the student refuses to undergo health examinations or to submit an extract from the criminal records as required by the higher education institution. The right to study may be suspended until the student agrees to submit the medical statement or the extract from the criminal records.

The board decides on suspending a student's right to study.

2.4.5. Decision to revoke the right to study

The decision to revoke a student's right to study is made by the board of the University of Applied Sciences on the basis of the Rector's proposal. The decision is recorded in the case management system and delivered to the parties in writing with acknowledgement of receipt, taking into account any provisions on confidentiality.

The Head of Degree Programme in Health Care and Social Services notifies the Finnish Supervisory Agency on an ongoing process of revoking the student's right to study as well as the related decision and justifications. The higher education institution must also inform the Finnish Supervisory Agency if the right to study is reinstated and provide the justifications for this decision.

2.5. Reinstating the right to study

The legislation allows the student to apply for the reinstatement of a revoked right to study. If they wish to do so, the applicant must demonstrate that the grounds for revoking the right to study are no longer valid. The decision is made by the board of the University of Applied Sciences on the basis of the Rector's proposal.

2.6. Requests for a review

Students who have applied for studies at a higher education institution may request a revision of the admission decision from HAMK's Examination Board within 14 days of the publication of the admission results. Under the Administrative Judicial Procedure Act, a decision on a request for a revision may be appealed to the Administrative Court within 14 days of being notified of the decision.

The board of the University of Applied Sciences decides on the revocation and reinstatement of the right to study. The board's decision can be appealed to the Students' Legal Protection Board within 14 days of being notified of the decision. Decisions made by the Students' Legal Protection Board may be appealed to the Helsinki Administrative Court within 14 days of being notified of the decision and otherwise as provided in the Administrative Procedure Act. The cases must be processed as urgent.

A decision on the revocation or reinstatement of the right to study made by an Administrative Court may not be appealed.