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+358 9 7258 0000 www.uniarts.fi Vice rector's decision on an action plan for preventing students' substance abuse and for providing support in addressing problem situations page 1/13

Vice rector's decision on an action plan for preventing students' substance abuse and for providing support in addressing problem situations

A substance abuse programme, coordinated by Unifi, was drawn up as a collaboration between the universities, the National Union of University Students in Finland (SYL) and the Finnish Student Health Service (FSHS) in 2014. The substance abuse programme was updated by the OHA-forum, Unifi, FSHS and SYL in 2019. The substance abuse programme was edited by the student wellbeing group in spring 2019 to fit the Uniarts Helsinki context, and the policy was approved by the vice rector. The policy was updated by the student wellbeing group in spring 2024, and this decision supersedes the decision made on 12 September 2019 concerning the matter.

1. Introduction

Substance use may have a significant effect on students' success in their studies and how they cope with their daily lives. Substance use habits acquired in young adulthood often continue unchanged later in life.

In this policy, the term 'substance' is used to refer to alcohol, drugs and prescription medication used with narcotic or intoxicating intent.

The goal of the substance abuse policy is to promote the ability to study and to work, to promote the health and wellbeing of students, prevent substance abuse issues, make it easier to intervene in a student's substance abuse problem and improve referral for treatment. An additional, long-term aim of the policy is to influence the general substance use culture among students.

In accordance with subsection 3 of section 43d in the Universities Act, the university must have written guidelines drawn up in cooperation with the student healthcare officials for preventing the use of narcotics by students and for intervening in drug problems in order to have the right to demand a drug test certificate in situations referred to in the Universities Act. This policy includes the guidelines referred to in the above section of the Act, which the Uniarts Helsinki has incorporated as part of its policy.

The aim of the substance abuse policy is to emphasise prevention, recognition, guidance and early intervention instead of sanctions. In all situations, it must ensured that the legal



protection of the persons involved is not violated. For the processing and confidentiality of sensitive information, see Chapter 8.

2. Preventive activities

The role of the university

Uniarts Helsinki and the academies promote a substance-free study environment and responsible use of alcohol. The substance abuse policy is available for reading in various language versions on the Students' Uniarts website. New students are introduced to the substance abuse policy as part of their wellbeing-related orientation.

The events that are organised at Uniarts Helsinki are usually alcohol-free.

Organisation of activities

Uniarts Helsinki has a student wellbeing group, appointed by the rector, and its goal is to promote wellbeing-centred cooperation between the academies' and students' wellbeing coordinators and to promote good practices. The wellbeing group is in charge of planning preventive work on substance abuse, and it coordinates the implementation of the substance abuse policy for students and agrees on joint procedures for addressing substance abuse matters. The group has representatives from the Student Union, the university's group of wellbeing coordinators, the Finnish Student Health Service and the academies. The wellbeing group monitors the implementation of the substance abuse policy.

Uniarts Helsinki's senior head of academic affairs acts as the substance abuse contact person for students. The substance abuse contact person is tasked with giving advice and providing support in intervening in students' substance abuse problems and addressing the matter. The contact person collects notifications concerning students removed from teaching situations due to substance abuse, organises and participates in treatment referral negotiations whenever necessary, ensures that students are given the opportunity to be heard before a drug test and coordinates the implementation of drug testing. The substance abuse contact person also acts as a contact person between the university/academies, the FSHS and, if necessary, the clinics. The academies' heads of academic affairs substitute for the substance abuse contact person whenever necessary.

Teacher tutor activities

At the start of their studies, each student is designated a teacher tutor or another employee performing the same duties under some other title (supervising teacher, supervisor-incharge, academic affairs employee etc.). The teacher tutor is the student's support person in questions relating to the progress of studies and in guiding the student in preparing their Personal Study Plan (PSP). Teacher tutors and students meet both in groups and individually.

Issues related to the student's mental resources, wellbeing and substance use may arise during personal guidance. The academy and the university must provide sufficient training and support that enable teacher tutors to work competently also in these kinds of situations.



Student tutor activities

From the first day of their studies, each student has an assigned student tutor. They are peer counsellors chosen and authorised by the academy, tasked with introducing the new students with the academy, degree programme, studies, older students and the rest of the university. Student tutors also help in introducing the new students to the Student Union's activities and to student traditions.

The substance abuse policy and responsible use of alcohol are also topics in tutor training.

The role of the FSHS

The FSHS:

- supports the substance-free life of students and the prevention of substance abuse
- in connection with health examinations, gives degree students information about the effects of alcohol use or other substance use on health and the ability to study
- highlights themes that promote a substance-free and healthy lifestyle at students' wellbeing events and on its website
- screens for risky alcohol use among degree students with the AUDIT test and provides guidance and advice to users at risk
- participates in the meetings of the substance abuse workgroup/substance abuse contact persons and the implementation of training related to the prevention of substance abuse problems

Information on higher education students' substance use is collected through a nationwide student health survey (KOTT) every four years. The electronic FSHS health questionnaire for first-year students also gives academy-specific information on students' substance use. The information is utilised by e.g. the wellbeing workgroup when planning Uniarts Helsinki's substance abuse prevention measures.

The role of student organisations

Every year, the student wellbeing group talks with representatives of the Student Union about the culture of substance use in the university's and the academies' student activities. The group and the Student Union mutually agree on policies supporting the culture of responsible use of alcohol suitable to Uniarts Helsinki's operational environment.

Discussions are had, for example, about how new students are welcomed and what kinds of events are organised for students during their first autumn of studies. Events play a significant role in the image that new students form of the student community and study culture.



3. Identifying a substance abuse problem

The role of Uniarts Helsinki

Substance abuse may be apparent in drunken or hungover appearance or behaviour, the smell of alcohol or some other sign of substance use. Substance abuse may be an underlying factor in many kind of adverse behaviour as well as in issues with life management and functional capacity, such as recurring short absences, tardiness or poorer academic performance. Many kinds of issues may underlie these behaviours and difficulties. Early intervention and addressing the issue in a discussion may be beneficial for the student. The discussion must be had in a constructive manner without stigmatising the student.

If staff members become concerned about a student's possible substance abuse problem, the matter must be immediately discussed with the student in question (see Chapter 4).

The role of the FSHS

The FSHS aims to identify substance abuse with the help of the first-year students' health survey (Sätky) and by actively bringing up the issue of substance use during appointments. At appointments, healthcare professionals examine possible connections between students' substance use and problems with health and functional capacity.

The role of students and the Student Union

Students, the Student Union and student organisations are in a key position to identify the substance abuse problems of fellow students. It is likely that fellow students notice the problems caused by substance abuse before other people do. Signs of alcohol abuse may include hurting oneself or others (fights etc.) or repeatedly drinking alcohol up to the point of passing out and not recollecting what happened. Drug use may involve hallucinations, delusions as well as strange or aggressive behaviour. Fellow students often know better than teaching staff when substance use starts to affect academic performance.

Uniarts Helsinki and the Student Union agree on joint policies for addressing substance abuse. Support for interventions and for the development of policies is available, among others, from the Student Union's harassment contact person, the substance abuse contact person for students (senior head of academic affairs), the academic affairs team, the FSHS, the study psychologist and the university chaplain.

4. Intervening in substance abuse

Intervention in the substance abuse problem as early as possible and an early intervention discussion are the primary measures when a student's substance use raises concerns. The earlier substance abuse is brought up in discussion, the easier it is to mitigate the harm caused by it.

Staff and students are provided with support and training for intervening in substance use and addressing problems caused by it. The substance abuse policy and the related measures are part of the university's model for early support.



Substance use that raises concern may be brought up by a member of the teaching or other staff, a teacher tutor or a fellow student. The primary aim when intervening in substance use and having an early intervention discussion is to support the student in their studies. In all situations, it must be ensured that the legal protection of the persons involved is not violated.

On certain grounds, the university **may** require the student to present a drug test certificate. The prerequisites for a drug test laid down in section 43d in the Universities Act (read section Drug testing for further information) are determined separately in each case.

Addressing the issue

Early intervention discussion by teaching staff

If teaching staff become concerned about a student's substance abuse, the matter should be brought up with the student without delay. It is recommended that the person to carry out the intervention discussion is the student's teacher tutor. The early intervention discussion can also be carried out by some other member of the teaching staff with expertise or experience in early intervention discussions, or by someone who is the most familiar with the student's current situation. All discussions between a teacher and a student on the matter are confidential and the teacher is not allowed to disclose the student's personal data without their consent. Possible follow-up actions are jointly agreed by the student and the teacher who carried out the early intervention discussion.

An early intervention discussion should take place in an open atmosphere and the sensitive nature of a substance abuse problem must be taken into consideration. Early intervention discussions are always conducted one-on-one. A student's substance use may not be discussed in a group or with other students present. The aim of the discussion is to express concern about the student's substance use and its possible impact on their studies and wellbeing. In these cases, the discussion in itself is a form of early intervention, but the situation should be reassessed later in a few months' time, for example. During the early intervention discussion, the student may also be advised to contact the FSHS for an assessment of the overall situation.

Substance abuse contact persons, heads of academic affairs, the study psychologist, the university chaplain and supervisors can provide guidance and support for deciding how to address the issue (A teacher's guide for early intervention and expressing of concern: https://uniartsfi.sharepoint.com/sites/artsi-ohjeet-tyoarkeen/SitePages/en/Opettajan-opas-varhaiseen-valittamiseen-ja-huolen-puheeksi-ottamiseen.aspx)

Substance abuse contact person

Teaching staff, a teacher tutor or a fellow student may contact the substance abuse contact person (senior head of academic affairs) if the substance abuse of a student has raised concern and they require advice and support in how to intervene in the problem. The substance abuse contact person collects reports on students removed from teaching situations due to substance abuse.

The substance abuse contact person serves as a contact person between the academy, the FSHS and, if necessary, the clinics. It is the responsibility of the substance abuse contact person to coordinate a potential drug test. They also coordinate and participate in the



treatment referral meeting (see Chapter 5) as the representative of the university/academy, when needed. The academies' heads of academic affairs substitute for the substance abuse contact person whenever necessary.

The role of the FSHS

The FSHS:

- provides guidance on the harm caused by intoxicants and intervenes in substance abuse
- guides substance-addicted students to services responsible for substance abuse treatment
- participates in treatment negotiations and acts in the role of an expert in treatment referral situations (rehabilitation plan)
- monitors the treatment of the student's substance abuse problem
- supports the substance abuse rehabilitee's return to studies
- supports the rest of the study community in substance abuse crises

FSHS employees are bound by the obligation of confidentiality, making all discussions with patients confidential and with no information to be disclosed to the university. If it is suspected that a student is a risk to the safety of the student community or traineeship organisation due to their substance abuse, a healthcare provider is entitled to disclose information regarding the student's health and functional capacity necessary for the performance of duties, without being hindered by considerations of confidentiality, to the rector of the university, traineeship coordinators and another individual in charge of safety at the university in order to ensure the safety of students (more information in Chapter 8).

The role of students and the Student Union

If a fellow student's substance use causes concern, the subject should be raised with them as soon as possible. When addressing the issue, a student can share their observations about the other student's substance use and behaviour and the concern these have raised. It is not the responsibility of the fellow student to solve another student's substance abuse problem or life situation, however. Students can ask for advice, support and help for the discussion from the Student Union or from students' substance abuse contact persons without revealing the fellow student's identity. It is recommended that the student with the substance abuse problem is encouraged to contact the FSHS for a more detailed assessment of the situation.

Drug testing

A drug test certificate can be required from university students in all fields, not only those students whose field is subject to the suitability assessment stipulated in legislation related to unsuitability to study (SORA legislation).

The university may oblige a student to present a drug test certificate when there are justifiable grounds to suspect that the student has a drug addiction or is under the influence of drugs while in practical training or while performing practical tasks relating to studies (section 43d of the Universities Act). Drug testing does not concern the use of alcohol. The academies' deans and vice deans, the academic director of the Open Campus and the university's rector and vice rectors can oblige the student to present a drug test certificate.



A further precondition is that the testing is necessary for ascertaining the student's functional capacity and that the student performs tasks which require especial acuity, reliability, independent judgement or good reactions and where working under the influence of drugs or a drug addition

- seriously endangers the student's or some other person's life or health,
- seriously endangers the protection or integrity of data protected by confidentiality provisions or
 - significantly increases the risk of illicit trafficking or distribution of substances referred to in section 3(1)(5) of the Narcotics Act (373/2008) which are in the possession of the university or the place of training (Section 43d of the Universities Act).

For drug testing, a teacher or a traineeship supervisor completes the first page of the form provided as Appendix 2 and submits it to the university's substance abuse contact person or the academy's head of academic affairs. When filling in the form, it is essential to assess and concretely describe the student's reduced functional capacity. Based on the test, the form for assessing the student's functional capacity and the healthcare unit's assessment of the student's functional capacity, the healthcare unit draws up a report on whether the student has used drugs for other than medicinal purposes in such a way as to reduce their functional capacity. The student's functional capacity may be at a different level at the educational institution than at the healthcare unit, so completing the form is crucially important.

The substance abuse contact person agrees on the practical arrangements of drug testing with a healthcare provider (usually the FSHS). If the substance abuse contact person is not immediately available, the academy's head of academic affairs, a teacher or a supervisor may make the arrangements for drug testing. If at all possible, the drug test should be performed on the same day when the suspicion of being under the influence of drugs was raised, preferably immediately.

The student delivers the certificate from the healthcare unit to the university within a reasonable time, which will be determined in advance with the unit performing the tests. The university will cover the costs incurred by the drug test certificate. It is recommended that the substance abuse contact person informs the FSHS unit immediately when a student has been required to present a drug test certificate.

The blood or urine sample is given under monitored and controlled circumstances, following the guidelines of the Ministry of Social Issues and Health on drug testing at the workplace. The test results are interpreted in a healthcare unit independent of the university, usually the FSHS. The individual tested always has the right to receive the test results in writing.

Ordering a student to undergo drug testing is a factual administrative action taken on the basis of justified background information. A student can refuse to take the test. In this case, the student will naturally not be able to present the university with a drug test certificate, which the university has obliged them to do. It is also possible that a student agrees to take the test but refuses to present the subsequent certificate to the university. Refusal to present a drug test certificate can lead to disciplinary action: based on section 45 in the Universities Act, the rector may issue a written warning to the student. If, after receiving a warning, the student repeatedly refuses to present the test certificate, the



university board may suspend the student for a fixed period of one year at most. These types of disciplinary decisions (both the issuance of a written warning and suspension for a fixed term) are administrative decisions requiring that the student is heard in an appropriate manner before they are made.

5. Treatment referral

Treatment referral negotiation

If the substance abuse has clearly been detrimental to a student's academic performance, endangered safety or seriously endangered the student's own health, or the student's substance abuse is at the level of addiction and the student has not sought treatment after the issue has been addressed with them, the FSHS can arrange a treatment referral negotiation. The treatment referral negotiation can be initiated by the student or, with the permission of the student, by the university's teaching staff, staff of wellbeing services or academic affairs or an FSHS employee.

The necessary background information is collected for the negotiation, and the participants are sent written invitations with information about the participants and the goal of the negotiations. The participants in the treatment referral negotiation are 1) the student, 2) an FSHS representative, 3) a representative or representatives of the university/academy (e.g. a teacher or the substance abuse contact person) and 4) when necessary, the student's support person. A representative of the FSHS acts as the chair of the negotiations. The substance abuse contact person serves as a contact person between the academy, the FSHS and, if necessary, the clinics.

It is recommended that in order to expedite the treatment referral process, the student contacts the FSHS themselves for a situation assessment and a treatment plan already prior to the meeting. The content of FSHS visits is confidential and matters discussed will not be discussed in the treatment referral negotiation without the consent of the student.

The purpose of the treatment referral negotiations is to look into the student's situation and ensure that the necessary care is available to the student. The student is responsible for committing to the treatment provided, while the healthcare unit is responsible for providing the treatment. The university cannot assume responsibility over the treatment of the student, and it does not have a right to gain information about the student's treatment without legal grounds.

Treatment options

Substance abuse problems can be treated at health clinics, substance abuse outpatient clinics, Youth Substance Abuse Service Pysäkki and the FSHS. The most suitable place for the treatment need assessment is the FSHS. If the student needs a period of institutional rehabilitation, they are guided to their home municipality's social and health services. During the time spent at the institution, the student may receive Kela rehabilitation funding.

6. Disciplinary actions due to substance abuse



Pursuant to section 45 in the Universities Act, the university may take the following disciplinary actions: remove the student from a teaching situation, ban the student from attending teaching for three days, issue a written warning or suspend the student for a fixed term.

Disciplinary actions concern all teaching situations at the university, including study trips, for example.

Removal from a teaching situation

According to section 45 in the Universities Act, a student who disrupts teaching, behaves threateningly or violently or endangers the life or health of another person may be ordered to leave the premises where teaching takes place or an event organised by the university. If the removal from a teaching situation is due to substance abuse, the recommendation is to organise an early intervention discussion after the situation is over and to submit a substance harm report to the substance abuse contact person, who will arrange a treatment referral negotiation, if necessary.

According to section 45a in the Universities Act, the rector and a member of the teaching and research staff and the practical training instructor may work together or separately in banning a student from attending teaching.

Disruptive behaviour in an entrance examination

The university is also in charge of securing the safety of entrance examinations. In the context of student admissions, the chair of an admission committee or the head of admissions or some other employee appointed by the university may order an applicant who is intoxicated, disruptive, violent or behaving threateningly or endangering the life or health of another person to leave the premises.

Banning a student from attending teaching

Pursuant to section 45 in the Universities Act, a student may be banned from attending teaching for a maximum of three days where there is a risk that the safety of another student or a person working in the university or some other teaching facility is threatened as a result of the student's threatening or violent behaviour or where the disruptive conduct of the student makes teaching and associated activities unduly difficult.

According to section 45a in the Universities Act, the rector and a member of the teaching and research staff and the practical training instructor may work together or separately in banning a student from attending teaching.

The teacher-in-charge of the course may ban a student from attending *the course in question* for a maximum of three (3) days due to violent or threatening behaviour.

The academy's dean or an individual designated by the dean may ban a student from attending *all teaching at the academy* for a maximum of three (3) days. The academic director of the Open Campus may ban a student from attending *all teaching at the Open Campus* for a maximum of three (3) days.



The rector may ban a student from attending *all teaching at the university* for a maximum of three (3) days.

Written warning and suspension for a fixed period

A student may be issued with a written warning if they disrupt teaching, behave threateningly or violently, act under false pretences or otherwise cause disorder at the university, refuse to present a drug test certificate, or have used narcotics for purposes other than medical treatment in a way which undermines their functional capacity. (section 45 of the Universities Act). The decision to give a student a written warning is made by the rector of the university.

If the student's deed is serious in nature or if the student continues to behave inappropriately after having been cautioned in writing, the student may be suspended from the university for a fixed period of one year at most. The decision on the suspension is made by the board of the university.

The role of the FSHS

The role of a student healthcare provider is always to support the student, first and foremost. A substance abuse problem endangers the wellbeing of the student and may have a long-term negative effect on the student's ability to study. It is the FSHS's duty to ensure that the student receives seamless further treatment also in the case where the student's right to study has been revoked and the student is no longer eligible for FSHS services.

7. Return to the study community after a break in studies

Substance abuse problems may lead to slower academic progress or a temporary break in studies. The goal is to support the student's return to the study community after a break, even when the situation has been difficult. Returning to studies requires an active approach from the student personally, but often it is also integral that they accept the support offered by the teacher tutor, study psychologist and university chaplain.

8. Processing of sensitive data and confidentiality

Dealing with a substance abuse problem also involves the processing of the student's personal health data. In all situations, it must be ensured that the legal protection of the persons involved is not violated. The processing of personal data in universities is regulated by the EU General Data Protection Regulation (GDPR) (2016/679) supplemented by the national Data Protection Act (1050/2018), the Act on the Openness of Government Activities (621/1999) and the Universities Act (558/2009). These provisions contain special requirements with regard to, for example, confidentiality, when processing a person's health data.

Legal definitions related to health data

According to the GDPR, 'personal data' means any information relating to an identified or identifiable natural person (GDPR Article 4, paragraph 1). Special categories of

page 11/13



personal data referred to in the GDPR include data related to health, for example (GDPR Article 9). The regulation states that 'data concerning health' means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about the person's health status (GDPR Article 4, paragraph 15). The Universities Act provides regulations related to the processing of the applicants' and students' health and functional capacity in certain processes related to the right to study and disciplinary actions. In addition, the Universities Act contains general provisions on the processing of sensitive personal data.

Processing of students' health data at the university

The university must have grounds referred to in Article 6 of the GDPR when it processes students' personal data (e.g., the name of the student and the student's completed studies). From the perspective of performing the university's teaching duty, the central grounds for processing students' personal data are the compliance with a legal obligation and the performance of a task carried out in the public interest. In addition, the university must have special grounds referred to in Article 9 of the GDPR when it processes students' personal data belonging to the special categories of personal data (e.g., students' health data). According to the GDPR, data belonging to the special categories of personal data must not be processed – collected, stored, retrieved, changed, destroyed, transferred – without grounds referred to in the GDPR (Article 4, paragraph 2 and Article 9). This processing prohibition is not applied to data processing subject to law or directly following from compliance with a legal obligation. The controller must implement appropriate and special measures to ensure the rights of data subjects, such as encrypting the data (section 6 of the Data Protection Act).

As a controller, the university processes the students' health data when performing certain duties referred to in the Universities Act. Sections 37b and 43b–43d contain provisions related to the processing of students' personal data with regard to their health status and functional capability in processes related to the granting, revocation and reinstatement of rights to study and disciplinary measures. According to section 45b of the Universities Act, data related to these processes may be processed only by individuals who prepare or make decisions on admission, on revocation or reinstatement of the right to study, or on disciplinary action or by those who issue statements on these matters. At Uniarts Helsinki, the roles are determined in the employees' job descriptions. Sensitive materials must be stored separately from other personal data. The materials must be removed from the register immediately when there no longer is any statutory reason to store them and at the latest within four years of the date on which they were entered in the register (section 45b of the Universities Act).

According to section 24(1)(25) of the Act on the Openness of Government Activities, information on the state of health or handicap of a person, the medical care or treatment given to them are considered secret official documents.

Moreover, the Act on the Openness of Government Activities requires that a person in the service of the university, like an elected official, must not disclose secret information obtained in the service of the university. The non-disclosure obligation applies both to written and oral confidential information. The obligation will continue even after the termination of the service in question (subsection 1, section 23 of the Act on the Openness of Government Activities). All discussions and negotiations related to a student's substance abuse problem are confidential and their content must not be disclosed to any

page 12/13



third parties. In principle, third parties also include university employees who do not take part in the handling of the substance abuse problem in question. Based on their profession, healthcare staff have a non-disclosure obligation related to health and other data of their customers.

Section 90a of the Universities Act lays down exceptions to disclosing confidential information. The provisions on confidentiality notwithstanding, such information on a student's state of health and functional capacity as is necessary for the execution of a university's duties may be supplied by the holder of this information to:

- the rector of a university and those responsible for the security of the university for the purpose of ensuring the safety to pursue studies;
- a person responsible for study counselling for the purpose of guiding the student to other studies or support services;
- a person responsible for student healthcare for the purpose of ensuring the student's health and safety and for guiding the student to support services;
- a person responsible for practical training for the purpose of ensuring the safety of the student and the safety of staff and customers at the place of training; and
- the police and a representative of the university who is primarily responsible for investigating threats to security for the purpose of assessing if there is an imminent threat to safety or if the student's state of health poses a danger to the safety of others involved in the assessment.

The holder of the information may even be someone who is not employed by the university, such as a student healthcare professional.

Additionally, pursuant to section 90a in the Universities Act, notwithstanding the provisions on confidentiality, those responsible for executing the duties in this Act have the right to inform the police of essential details for the purpose of assessing an immediate threat to life or health and to prevent a threatening act, if they, in performing their duties, have obtained information about circumstances that lead them to believe that someone may be in danger of becoming the target of violence.

More information

- FSHS health databank <u>https://www.yths.fi/en/health-information/health-information-resource/</u>
- <u>http://www.ehyt.fi/paihdeneuvonta</u>
- <u>https://www.kannabis.eu/</u>
- <u>https://ehyt.fi/en/substances-gaming-and-gambling/what-is-substance-abuse-prevention/</u>
- https://paihdelinkki.fi/en
- https://www.nyyti.fi/en/for-students/find-help/

Sources

Universities Act 954/2011, Universities Decree 770/2009 and Personal Data Act 523/1999, Act on the Openness of Government Activities (621/1999), Data Protection Act, EU General Data Protection Regulation (2016/679) and their amendments



page 13/13

Appendices

Appendix 1 Removal from a teaching situation due to substance use or some other disruptive behaviour

Appendix 2 Disclosure of information from the university to the healthcare provider

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