

PART 15

THE RULES AND REGULATIONS OF THE BOARD OF EXAMINERS

Application for registration as a Land Surveyor in Training

15.1 All persons applying for admission as a Land Surveyor in Training shall submit a written application to the Board accompanied by;

a) a summary of all academic education and training;

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b) ***Repealed – September, 2018;***

c) a resume of relevant training and experience that the applicant has;

d) a Certificate of Completion from the Canadian Board of Examiners for Professional Surveyors;

e) the annual fee for a Land Surveyor in Training and any other fees associated with the application as established in accordance with Part 8 of this by-law.

15.2 ***Repealed – September, 2018***

15.3 The Board may request clarification of any information supplied by any applicant related to the assessment of the qualifications or capabilities of the applicant.

15.4 The Board shall assess the application and all accompanying information and either approve or reject the application.

15.5 Where the Board approves an application, it shall request the Registration Committee to register the applicant as a Land Surveyor in Training.

15.6 Where the Board rejects an application it shall notify the applicant in writing outlining the reasons for the rejection.

Internship

15.7 Every person who is registered as a Land Surveyor in Training shall undertake an internship with a Manitoba Land Surveyor, a corporation or a limited liability partnership.

15.8 The intern shall identify a Manitoba Land Surveyor who will be the primary mentor to the intern.

15.9 No Manitoba Land Surveyor may act as a primary mentor to a Land Surveyor in Training unless they have been licensed for 2 consecutive years as a Manitoba Land Surveyor.

15.9.1 A Manitoba Land Surveyor may act as a primary mentor to no more than two Land Surveyors in Training at once.

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15.10 An intern may undertake work experience and complete projects identified in the milestones under the supervision of any licensed Manitoba Land Surveyor.

Term of Internship

15.11 The minimum term of the internship shall not be fixed but shall be based on the candidate proving sufficient experience and competency in areas identified by the Board of Examiners.

15.12 The maximum length of an internship shall be five years after which the internship shall terminate, and the intern will have to enter into a new internship.

Leave of Absence

15.13 The intern may apply in writing to the Board for a leave of absence stating the reason for the request and the expected term of the leave.

15.14 The term of any leave of absence granted by the Board pursuant to this by-law shall not be included in the maximum five-year term of the internship.

Milestones

15.15 The intern shall complete three milestones in the internship.

15.16 The first two milestones shall each consist of a project as set out in Appendix 15-B, two written examinations and an oral exam in the subject areas as set out in Appendix "15-A". The written examinations may be written in any order.

15.17 Each milestone project shall be submitted for approval at least 30 days prior to the exam sitting.

15.18 ***Repealed – September, 2016.***

15.19 The third milestone shall include the successful completion of a third project and passing the remaining oral and written examinations, and any other requirement of the Board.

15.20 All examinations shall be administered by the Board of Examiners as outlined and described in Appendix "15-A".

15.21 Upon commencing a project a brief outline of the details of the project shall be submitted to the Board for approval.

Learning Plan

15.22 Within 60 days of being registered as a Land Surveyor in Training, the Land Surveyor in Training shall submit to the Board a learning plan which identifies:

- a) a Manitoba Land Surveyor, a corporation or a limited liability partnership with whom the Land Surveyor in Training will be entering into the internship;
- b) the Manitoba Land Surveyor who will be the primary mentor to the intern;
- c) relevant training and experience that the intern has;
- d) how the intern and the mentor will undertake to obtain the experience and the skills required to address the examination material and to engage in the practice of land surveying;
- e) a minimum number of months, in which the intern and mentor propose to have the intern involved in the practice of land surveying in the field;
- f) a minimum number of months, in which the intern and mentor propose to have the intern involved in office procedures related to the practice of land surveying;
- g) time frames associated with the milestones and the order in which they intend to address the milestone examinations. The order of the examinations is to be of the intern's choosing. It is recommended that the intern choose the examinations in an order that best matches the progress of the training and experience as outlined in the learning plan.

15.23 For the purposes of the learning plan, the references to future training and experience shall be restricted to training and experience in the Province of Manitoba.

15.24 The Board shall review the learning plan and may require changes to the learning plan to ensure adequate training and experience will be acquired under terms of the learning plan.

15.25 The Board may vary the minimum times in which the intern is required to be involved in either the field or the office if, in the opinion of the Board, either time is insufficient for the intern to develop the competencies required.

15.26 The combined field and office time for each milestone shall not be less than 6 months.

15.27 The parties to the internship shall make changes to the learning plan and resubmit the plan for further review until the Board is satisfied that the learning plan will result in the necessary training and experience of the intern.

15.28 Upon acceptance of the plan, the intern shall execute the learning plan in the order in which the milestones are identified.

Amendments to Learning Plan

15.29 With the Board's approval, the learning plan may be amended from time to time as circumstances may dictate and such approved changes shall not affect the intern's eligibility to complete the internship.

15.30 If the rewriting of an examination requires an amendment of the learning plan, a new learning plan shall be submitted.

15.31 The learning plan and any approved amendments shall be endorsed and approved by the Manitoba Land Surveyor who is identified in the learning plan as the primary mentor.

Examinations

15.32 Each examination shall consist of an oral component and a written component and the final assessment of each examination shall consider both components.

15.33 The written component of each examination shall be no longer than three hours and the examination material shall not require the use of a calculator.

15.34 Oral exams shall consist of an interview of not more than three hours.

15.35 The oral component shall be administered after the written component of the milestone examinations and the oral components in each milestone may be administered as a single interview subject to section 15.34.

15.36 The scope of the oral examination shall be related to:

- a) the project undertaken by the intern as part of the milestone;
- b) the training and experience claimed by the intern since their last interview;
- c) the materials on the curriculum related to the examinations identified in the learning plan as part of the milestone sitting.

15.37 The intern shall be assessed on:

- a) knowledge of the examination material, training and experience acquired since the latter of the initial application for land surveyor in training status or the last milestone completed and their project;
- b) the ability to effectively communicate their knowledge in a professional manner;
- c) the display of professional attitudes and demeanor.

15.38 The oral exam shall be video-recorded to facilitate assessment and appeals.

15.39 Except as otherwise provided for in this Part, all examinations and recordings of oral examinations are the property of the Board and shall be kept confidential.

Eligibility to Write Examinations

15.40 The intern shall be eligible to begin writing examinations at the next regular sitting after six months of internship.

15.41 The intern shall be eligible to write examinations every 6 months after the successful completion of the first milestone.

15.41.1 An intern registered as a Land Surveyor in Training under Section 15.100, and has entered into an internship with a Manitoba Land Surveyor, and has submitted a learning plan pursuant to this Part shall not be eligible to write the examination in Milestone 3 unless the Land Surveyor in Training has submitted to the Board of Examiners their Certificate of Completion from the Canadian Board of Examiners for Professional Surveyors.

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Notice of Intentions to the Board

15.42 The intern shall give notice to the Board no less than 90 days prior to the date of the regular sitting identified in the learning plan stating whether they intend to either write, or not write, examinations at each sitting where they are eligible to write examinations.

15.43 If the subject areas of the examinations for which notice is given, are not in accordance with the learning plan, the Board may reject the application to write examinations.

15.44 If the intern chooses to alter the order of examinations or if the intern chooses to accelerate the schedule of achieving milestones in accordance with their learning plan, the intern shall supply a new learning plan to the Board at least 90 days prior to the next sitting identified in the learning plan in which the intern intends to be examined.

Fees

15.45 Notice of intention to write examinations is to be accompanied by the prescribed fee for the examinations as set out in the approved fee schedule for the current year.

15.46 Examination fees paid by a Land Surveyor in Training, who for a bona fide reason were unable to present themselves for examination, may be refunded at the discretion of the Board.

15.47 If the Board rejects an application, all fees submitted with respect to the rejected application shall be refunded.

Report on Training and Experience

15.48 The intern shall supply a detailed report to the Board at least 30 days prior to any examination sitting in which the intern intends to participate.

15.49 The report shall detail the nature and quantity of the work experience and training that the intern has undertaken since the submission of either their learning plan or their last Report on Training and Experience.

15.50 The primary mentor of the intern shall certify the accuracy of the report.

Limited number of attempts

15.51 If the intern fails any examination three times, the internship shall be considered terminated without successful completion.

15.52 Prior to termination the exam will automatically be reviewed by the Board of Examiners Appeals Committee appointed pursuant to this by-law.

Appeals

15.53 Council shall appoint an appeal committee to be known as the Board of Examiners Appeals Committee, consisting of at least 3 licensed Manitoba Land Surveyors to review and adjudicate any appeal of a decision of the board.

15.54 Any person affected by a decision of the board, may apply in writing to the Registrar to request an appeal of the decision.

15.55 Upon receipt of an appeal of a decision of the Board, the Registrar shall provide copies of the appeal to the Board and the Board of Examiners Appeals Committee.

15.56 All requests for appeal shall be submitted to the Registrar within 30 days of the date of receipt of the decision that is being appealed.

15.57 The request shall outline the grounds for the appeal.

15.58 The Board of Examiners Appeals Committee may enlist the assistance of any person in assessing the merits of an appeal.

15.59 Upon receipt of a request for appeal, the Board of Examiners Appeals Committee shall request and be provided with all relevant documentation which in the case of an appeal of an examination result shall include, as applicable, the exam question paper, the answers of the intern, the answer key, recordings of the oral examinations and a report of the findings of the Board with respect to their assessment of the examination.

15.60 The Board of Examiners Appeals Committee may uphold or vary the assessment or decision of the Board in a manner consistent with this by-law.

Amended September 2016

15.60.1 The Board of Examiners Appeals Committee shall forward its decision in writing to the Registrar together with all files relating to the appeal, and the Registrar shall forward a copy of the decision to the Board of Examiners and to the appellant.

Amended September 2016

15.60.2 The Board of Examiners shall effect the decision of the Board of Examiners Appeals Committee.

Amended September 2016

15.61 All appeals shall be accompanied by payment in the amount as set out in the approved fee schedule for the current year in accordance with Section 8-2.

Amended September 2016

15.62 The decision of the Board of Examiners Appeals Committee is final.

Transfer of Internships

15.63 An intern may transfer their internship to another mentoring organization by preparing, an interim Report of Training and Experience up until the date of the transfer and including the interim report with the milestone report.

15.64 Both reports shall be approved and certified by the primary mentor for time covered by the reports.

15.65 If the primary mentor refuses to approve or certify the interim report, the primary mentor shall report the reasons for doing so to the Board and the Board may reject the report or accept the report as submitted or with such amendments as it deems appropriate.

Change of primary mentor

15.66 In the event of the death or a change in the membership status whereby the primary mentor is unable to practise as a Manitoba Land Surveyor, a new primary mentor may be named.

15.67 The new primary mentor shall endorse or amend the learning plan of the intern and the learning plan shall be forwarded to the Board for review and approval in accordance with this by-law.

15.68 If after 90 days, a new primary mentor has not been named, the registration of the Land Surveyor in Training shall be suspended.

15.69 Where a new primary mentor is named within 90 days from the change in status, the internship shall be considered to be uninterrupted provided the intern has continued to practise under the direction of a Manitoba Land Surveyor in the mentoring organization.

Termination of Internship

15.70 The primary mentor shall report the termination of an internship to the Board within 10 business days of the termination.

15.71 The Board shall report the termination of the internship to the Registration Committee.

15.72 The Registration Committee shall suspend the registration of any Land Surveyor in Training whose internship has been terminated.

Termination of Registration as a Land Surveyor in Training

15.73 The Board of Examiners may request the Registration Committee to remove the name of any Land Surveyor in Training from the register upon:

- a) the failure of the intern to successfully complete the internship within the time prescribed by this by-law;
- b) the failure of the intern to successfully complete any examination within the number of attempts allowed by this by-law;
- c) the failure of the intern to acquire the minimum times required by the learning plan for training and experience in Manitoba.

No Restriction on Board of Examiners to Obtain Assistance

15.74 Nothing in this by-law restricts the ability of the Board of Examiners with respect to obtaining the assistance of any person in the setting and assessment of any examination, assessment of any project or otherwise assessing the qualifications, training or experience of any intern.

Filing of Internship

15.75 The internship shall be filed with the Registrar within sixty days of the notification of approval in accordance with this Part together with all fees payable.

15.76 Service under internship shall be deemed to commence at the date of the signing of the internship agreement.

15.77 Where a copy of the internship, or of a transfer of internship, is not filed with the Board within the time set out in this Part it may be filed after the expiration of that time; but, in that case, the period of service of the intern or completion of service of a suspended internship shall, commence on the date of filing.

Land Surveyor in Training annual fee

15.78 Any Land Surveyor in Training whose annual fee or any other fee is in arrears shall be suspended until all fees are paid in full.

Time and Location of Examinations

15.79 Upon receiving notice in accordance with this Part, from one or more Land Surveyors in Training for any sitting of examinations, the Board shall hold examinations commencing on the sooner of the Monday of the first complete week in May that does not contain a holiday or commencing on the Monday of the first complete week in November that does not contain a holiday, in accordance with the following:

- a) the exams shall be held at a place appointed by the Board;
- b) notice of date, time, and places of the examinations shall be made available by the Board at least two weeks before the date of commencement of examinations; and
- c) a timetable shall be sent to each Land Surveyor in Training who has given notice of their intention to sit the examinations.

Attendance at Examinations and Conduct of Land Surveyors in Training

15.80 Any Land Surveyor in Training who, without reasonable cause, arrives more than fifteen minutes after the time specified for the commencement of the sitting of an examination shall be refused admission to the examination.

15.81 No Land Surveyor in Training may receive assistance from, give assistance to, or communicate directly or indirectly with any digital medium or other person other than the invigilator in any manner during an examination.

Invigilator

15.82 The Board shall appoint an Invigilator to supervise each examination sitting.

15.83 The duties of the Invigilator shall be as set out in Appendix "15-E".

15.83.1 Subsequent to the sitting of an examination the invigilator shall sign and forward to the Board, the Declaration of Invigilator (Appendix "15-F").

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Unethical Behaviour of a Land Surveyor in Training

15.84 The Board shall submit a complaint in accordance with the Act with respect to the unethical behaviour of any Land Surveyor in Training.

15.85 If the matter is of a nature such that it may be considered evidence of unsatisfactory character, the Land Surveyor in Training shall be subject to the provisions of the Act.

Marking Papers

15.86 Every report or examination of a Land Surveyor in Training shall be reviewed and marked except where the Land Surveyor in Training:

- a) is found to be ineligible to be examined;
- b) has not paid the fee prescribed; or
- c) has not complied with these regulations or the instructions of the Board.

Assessment of Examinations

15.87 The Board shall make the final determination of marks awarded for each examination subject to appeal.

15.88 Each exam will be assessed by the Board as either a pass, fail or pass with conditions and the Land Surveyor in Training shall be advised accordingly.

- 15.89 For purposes of determining whether an exam is assessed as a pass, fail or pass with conditions, each exam shall be graded by the marker and given a mark out of a maximum of 100.
- 15.90 No exam may be assessed as a pass if it is graded at less than 70%.
- 15.91 No exam may be assessed as a pass with conditions if it is graded at less than 65%.
- 15.92 A pass with conditions may be assessed where the Board identifies a specific area or areas of weakness displayed by the intern but where the Board is of the opinion that the areas of weakness can be adequately addressed by specific undertakings or training by the intern.
- 15.93 In the event of an examination assessed as a pass with conditions, the Board may:
- a) request additional information relating to the subject material of an oral examination;
 - b) request answers to additional questions relating to the subject material of an oral examination;

- c) request a meeting with the intern to review either the examinations or the undertakings; and
- d) assign a special project in addition to the 3 milestone projects, to any Land Surveyor in Training who has not demonstrated an adequate level of knowledge in any required area.

15.94 The Board shall set a deadline for the completion of any special project assigned to a Land Surveyor in Training.

15.95 If the deadline for the returns is met and the Board is satisfied with the returns, then the assessment of the examination shall be changed to a pass.

15.96 If the Board is not satisfied with the returns or the deadline for the returns is not met, then the assessment of the examination shall be changed to a fail.

15.97 The Board shall make the final determination of the assessment of every project.

Notice to Registrar

15.98 Upon successful completion by a Land Surveyor in Training, of the final milestone, the Board shall give notice to the Registrar.

15.99 Upon receiving the notice in accordance with section 15.98, the Registrar shall provide written notice to the successful Land Surveyor in Training of the completion of the final milestone and shall provide the following forms to be completed:

- a) Form D – Manitoba Land Surveyor’s Declaration;
- b) Form H – Application for Membership; and
- c) Form I – Oath of Office;

and shall provide a statement of annual fees, prorated in accordance with Section 8.6, and any other related costs.

Amended September 2016

15.99.1 The successful Land Surveyor in Training shall, within 30 days of the date of the notice set forth in section 15.99, deliver to the Registrar the completed forms and payment of the fees and costs referred to in that section, together with a request that the Registrar issue a license to practice.

Amended September 2016

15.99.2 The successful Land Surveyor in Training shall obtain professional liability insurance in accordance with Part 14 of this by-law and shall provide satisfactory proof of same to the Registrar.

Amended September 2016

15.99.3 When professional liability insurance is not required by virtue of the employment stated in Section 14.7, the successful Land Surveyor in Training shall provide a sworn statement to the Registrar of that fact.

Amended September 2016

15.99.4 The Registrar shall not issue a licence to practice until satisfactory proof that the successful Land Surveyor in Training has obtained professional liability insurance, or a sworn statement in accordance with Section 15.99.2, is provided.

Amended September 2016

15.99.5 Failure to provide the deliverables and request as required under section 15.99.1 shall result in the status of the successful Land Surveyor in Training being changed to Suspended Member.

Amended September 2016

15.99.6 The Land Surveyor in Training Internship Process is outlined in a flowchart as shown in Appendix 15-G.

Amended September 2018

Transition

15.100 Any person serving under articles of indenture to a Manitoba Land Surveyor at the time of coming into force of this part shall without application, be entered in the general register as a Land Surveyor in Training.

15.101 Any person who is registered as a Land Surveyor in Training pursuant to section 15.100 and who has served under articles of indenture to a Manitoba Land Surveyor for less than 12 months at the time of coming into force of this part shall enter into an internship and submit a learning plan pursuant to this Part.

15.102 Any person who is registered as a Land Surveyor in Training pursuant to section 15.100 and who has served under articles of indenture to a Manitoba Land Surveyor for at least 12 months at the time of coming into force of this Part shall have the option to adopt the milestones as set out in this Part and to submit a learning plan with such modifications as the Land Surveyor in Training and the Board may deem appropriate or to continue under the timelines for writing examinations and completing projects as set out in the previous Rules and Regulations of the Board of Examiners.

15.102.1 Any person who continues under the timelines for writing examinations and completing projects as set out in the previous Rules and Regulations of the

Board of Examiners must complete all projects and be eligible to write the final examinations by February 1st, 2020 and shall pass all examinations by December 31st, 2020; any person who fails to meet either deadline shall cease to be registered as a Land Surveyor in Training, but may apply for registration as a Land Surveyor in Training in accordance with this Part.

Amended September 2018

15.103 Any person registered as a Land Surveyor in Training pursuant to Section 15.100 shall be given credit for all exams, reports, and projects previously completed and for training and experience and time served under articles of indenture.

Amended September 2016

Conflict of Interest

15.104 Any member of the Board of Examiners that is the primary mentor of a Land Surveyor in Training shall recuse themselves from the Board of Examiners for any dealings the Board of Examiners has with that LSIT.

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