

## PART 15

Amended in its entirety March 2021

### THE RULES AND REGULATIONS OF THE BOARD OF EXAMINERS

The Board of Examiners (hereinafter referred to as the Board) has overall responsibility for the assessment and examination of all persons applying for registration to practice as a Manitoba Land Surveyor, and for making decisions about the form, content, and approval of those processes to ensure the competence of all applicants.

It is the responsibility of the Board to document, publish and generally make available all materials relating to the processes and requirements of the Board. Furthermore, it is the responsibility of the Board to expedite its obligations in a fair, unbiased, consistent and expeditious manner that does not unduly delay the progress of Land Surveyors in Training in attaining their goals of registration to practice as a Manitoba Land Surveyor.

It is also the responsibility of the Board to maintain and publish a current syllabus and to ensure that the contents are still relevant and correct.

It is not the responsibility of the Board to provide training nor to assist any applicant in securing relevant experience.

#### **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;
  - b) a resume of relevant training and experience that the applicant has;
  - c) a Certificate of Completion from the Canadian Board of Examiners for Professional Surveyors;
  - d) the annual fee for a Land Surveyor in Training, the application fee and any other fees associated with the application as established in accordance with Part 8 of this by-law.
- 15.2 Any information provided by an applicant that is found at any time to be false or designed to be misleading may be grounds to suspend or cancel the applicant's membership in the Association.
- 15.3 The applicant shall identify a Manitoba Land Surveyor who will be their primary mentor.

- 15.4 Any member of the Board who is identified to be the primary mentor of an applicant shall recuse themselves from the Board for any dealings the Board has with that applicant; any member of the Board of Examiners who is the primary mentor, employer, or supervisor of a Land Surveyor in Training shall recuse themselves from the Board for any dealings the Board has with that Land Surveyor in Training.
- 15.5 The Board may request clarification of any information supplied by an applicant related to the assessment of the qualifications or capabilities of the applicant and shall do so within 30 days of receiving the application. The applicant must comply with the request within 30 days of receiving the request for information.
- 15.6 The Board shall assess the application and all accompanying information and either approve or reject the application within 30 days following receipt of a completed application.
- 15.7 Where the Board approves an application, it shall:
- a) notify the applicant in writing of the approval, and
  - b) request the Registration Committee to register the applicant as a Land Surveyor in Training.
- 15.8 Where the Board rejects an application, it shall notify the applicant in writing outlining the reasons for the rejection and shall refund the annual fee for a Land Surveyor in Training.

### **Internship**

- 15.9 Every person who is registered as a Land Surveyor in Training shall undertake an internship with a Manitoba Land Surveyor and shall enter into an Internship Agreement (Form L) with the primary mentor within 30 days following the notification of approval of the application in accordance with this Part.
- 15.10 The Internship Agreement, or an Agreement for the Transfer of Internship, shall be filed with the Registrar within 30 days of the signing thereof, together with the payment of the annual fee for a Land Surveyor in Training, unless the annual fee for the current year has already been paid, and any other fees payable.
- 15.11 Service under internship shall be deemed to commence at the date of the signing of the Internship Agreement.

15.12 The registration of any Land Surveyor in Training who does not file an Internship Agreement, or an Agreement for the Transfer of Internship, with the Registrar within 30 days following the signing thereof in accordance with Section 15.10 shall be cancelled.

15.13 No Manitoba Land Surveyor may act as a primary mentor to a Land Surveyor in Training unless they have been licensed as a Manitoba Land Surveyor for 2 consecutive years prior to the commencement of the internship.

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

15.15 A Land Surveyor in Training may undertake work experience and complete projects identified in the learning plan under the supervision of any licensed Manitoba Land Surveyor.

15.16 The primary mentor shall:

- a) ensure the Land Surveyor in Training is provided the opportunity and experience to learn the practice of land surveying and to prepare for the examinations to become a licensed member;
- b) be a role model and share their knowledge, skill, expertise and experiences with the Land Surveyor in Training;
- c) provide guidance, oversight, advice and motivation to the Land Surveyor in Training;
- d) monitor the Land Surveyor in Training's progress toward identified goals and provide ongoing feedback; and
- e) meet with the Land Surveyor in Training on an ongoing basis and maintain frequent communication between meetings.

15.17 The Land Surveyor in Training shall:

- a) conduct themselves in accordance with Part 17, Code of Ethics
- b) take advantage of all teachings and instruction offered by the primary mentor;
- c) accept ultimate responsibility for self-learning;
- d) have realistic expectations about goals and timelines; and
- e) meet with the primary mentor on an ongoing basis and maintain frequent communication between meetings.

15.18 The minimum term of the internship shall not be less than 18 months and shall not be less than the time set forth in the approved learning plan of the Land

Surveyor in Training, and shall otherwise be based upon the Land Surveyor in Training proving sufficient experience and competency in areas identified by the Board.

- 15.19 The maximum length of an internship shall be five years after which the internship shall terminate and membership as a Land Surveyor in Training is cancelled; the person may reapply to be registered as a Land Surveyor in Training and enter into a new internship without any credit for projects, examinations and work experience achieved under the previous internship.
- 15.20 An internship may be extended by no more than 12 months if the Land Surveyor in Training:
- a) has completed all milestones except the final milestone;
  - b) has been delayed or has been subject to circumstances whereby the attainment of all milestones has become logistically or otherwise difficult due to systemic or administrative delays, unforeseen or unusual circumstance; and,
  - c) has written a letter to the Registrar appealing the termination where:
    - i. the letter is received by the Registrar no later than 30 days after the receipt of the notice of the termination by the Land Surveyor in Training;
    - ii. the letter outlines the circumstances affecting the Land Surveyor in Training's ability to meet the deadline.
- 15.21 Any decision of the Board with respect to a request for an extension is subject to an appeal to the Board of Examiners Appeals Committee.
- 15.22 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, shall not receive credit for training and experience while suspended, and the time while under suspension shall be counted against the maximum five-year term of internship as set forth in Section 15.19.
- 15.23 The Land Surveyor in Training's internship process is outlined in a flowchart as shown in Appendix 15-G.
- 15.24 It is the responsibility of the Land Surveyor in Training to observe all timelines and the Board is not responsible for reminding the Land Surveyor in Training of any pending deadlines.

## **Leave of Absence**

15.25 The Land Surveyor in Training 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 which shall not exceed 24 months in aggregate.

15.26 The term of any leave of absence granted by the Board shall not be included in the maximum five-year term of the internship, and the Land Surveyor in Training shall not receive credit for training and experience during the term of any leave of absence.

## **Transfer of Internship**

15.27 A Land Surveyor in Training may transfer their internship to another primary mentor by:

- a) completing an Agreement for the Transfer of Internship (Form M) and filing it with the Registrar within 30 days of the signing thereof,
- b) preparing an interim Report of Training and Experience up until the date of the transfer which shall be approved by the outgoing primary mentor and filed with the Board, and
- c) submitting the fee for the Transfer of Internship as set forth in the approved fee schedule for the current year.

15.28 Upon the filing of the Agreement for the Transfer of Internship and the acceptance by the Board of the Report of Training and Experience, the outgoing primary mentor is relieved of any further responsibility in the internship process.

15.29 If the outgoing primary mentor refuses to approve the Report of Training and Experience, the outgoing primary mentor shall report the reasons for refusing to do 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.

## **Interruption of Internship**

15.30 In the event of a change of employment by the Land Surveyor in Training or primary mentor, or in the event of the death, incapacity or a change in the membership status of the primary mentor whereby the primary mentor is unable to practise as a Manitoba Land Surveyor, the internship shall cease, and a new primary mentor may be named.

- 15.31 The outgoing primary mentor or the Land Surveyor in Training shall advise the Board within 30 days of any event by which the internship effectively ceases.
- 15.32 When a new primary mentor is named within 90 days following the event by which the internship effectively ceases, the internship shall be considered uninterrupted provided the Land Surveyor in Training has continued to be trained and supervised by a Manitoba Land Surveyor as evidenced by a declaration, Form N, signed by the Land Surveyor in Training and the supervising land surveyor; if there has been no supervision, the Land Surveyor in Training shall not be credited with training and experience during the interruption nor shall this time be included in the maximum five-year term of internship as set forth in Section 15.19.
- 15.33 The Land Surveyor in Training and the new primary mentor shall enter into an Internship Agreement (Form L) and the Internship Agreement shall be filed with the Registrar within 30 days of the signing thereof.
- 15.34 The Land Surveyor in Training and the new primary mentor shall amend the learning plan as necessary; the Land Surveyor in Training and the new primary mentor shall endorse the learning plan and the learning plan shall be forwarded to the Board for review and approval.
- 15.35 The Land Surveyor in Training shall be credited for all work completed within a milestone while under the supervision of a previous primary mentor.
- 15.36 If after 90 days, a new primary mentor has not been named, the registration of the Land Surveyor in Training shall be suspended effective as of the date of the event by which the internship effectively ceases, the Land Surveyor in Training shall not be credited with training and experience during the time between the date when the internship effectively ceased and the date when a new Internship Agreement is filed, and this time shall not be included in the maximum five-year term of the internship as set forth in Section 15.19.
- 15.37 The registration of any Land Surveyor in Training, who does not file an Internship Agreement with the Registrar within six months following the date of the event by which the internship effectively ceases, shall be cancelled.

## Learning Plan

15.38 Within 60 days of being registered as a Land Surveyor in Training, the Land Surveyor in Training and the primary mentor shall jointly submit to the Board a learning plan which identifies:

- a) the Manitoba Land Surveyor who will be the primary mentor to the Land Surveyor in Training and the name of any other Manitoba Land Surveyor from whom the Land Surveyor in Training will receive training and experience on a regular basis;
- b) relevant training and experience that the Land Surveyor in Training has acquired previously;
- c) how the Land Surveyor in Training and the primary mentor will collaborate so that the Land Surveyor in Training obtains the experience and the skills required to address the examination material and prepare the Land Surveyor in Training to engage in the practice of land surveying;
- d) how the primary mentor proposes to provide learning opportunities to the Land Surveyor in Training for shortfalls in projected training and experience;
- e) a minimum number of months, in which the Land Surveyor in Training and mentor propose to have the Land Surveyor in Training involved in field procedures related to the practice of land surveying;
- f) a minimum number of months, in which the Land Surveyor in Training and mentor propose to have the Land Surveyor in Training involved in office procedures related to the practice of land surveying;
- g) the time frames associated with each of the three required milestones, and the order in which they intend to address examinations in the courses outlined in Appendix 15-A;
- h) three practical surveying projects as outlined in Appendix 15-B.

15.39 Within 3 months of being registered as a Land Surveyor in Training, the Board shall conduct an interview with the Land Surveyor in Training and the primary mentor focusing on the mentor's and the Land Surveyor in Training's obligations under the terms of the learning plan.

15.40 Failure of the Land Surveyor in Training or the primary mentor to attend the interview shall result in suspension of the internship, until such time as the interview is concluded, and the time while suspended shall be included in the maximum five-year term of the internship.

15.41 For the purposes of the learning plan, the references to training and experience shall be restricted to training and experience in the Province of Manitoba after the commencement of the internship.

15.42 The Board shall review the learning plan and may recommend changes to the learning plan to ensure adequate training and experience will be acquired in developing the necessary competencies. The Board shall provide notice to the Land Surveyor in Training within 30 days of receiving the learning plan of approval thereof or the amendments required to receive approval.

### **Amended Learning Plan**

15.43 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 Land Surveyor in Training's eligibility to complete the internship, subject to the maximum length of internship stated in Section 15.19.

15.44 If the Land Surveyor in Training chooses to alter the order of examinations or amend timelines for the completion of milestones in their approved learning plan, the Land Surveyor in Training shall submit an amended learning plan to the Board at least 90 days prior to the next examination sitting date at which the Land Surveyor in Training intends to be examined.

15.45 If the rewriting of an examination is required, an amended learning plan shall be submitted.

15.46 The amended learning plan shall be endorsed and approved by the Manitoba Land Surveyor who is identified in the Internship Agreement as the primary mentor.

15.47 The submission of an amended learning plan shall be accompanied by the fee as set forth in the approved fee schedule for the current year; the fee shall be waived when the amendment is an additional requirement imposed by the Board for reasons other than those mentioned in Sections 15.43, 15.44 and 15.45.

### **Milestones**

15.48 Upon acceptance of the learning plan, the Land Surveyor in Training shall execute the learning plan in the order in which the milestones are identified.



- 15.49 The Land Surveyor in Training shall consecutively complete the three milestones in the internship.
- 15.50 The cumulative time for all milestones shall not be less than 18 months.
- 15.51 The combined field and office time for any milestone shall not be less than 5 months, which shall be completed prior to the examination sitting dates at which the Land Surveyor in Training intends to write examinations, as set forth in Section 15.75.
- 15.52 The first two milestones shall each conclude with the passing of two written examinations and an oral examination in the courses as set out in the learning plan and the completion of any other requirements of the Board.
- 15.53 The third milestone shall conclude with the passing of the remaining oral and written examination, and any other outstanding requirement of the Board set forth under Part 15 of this By-law

### **Projects and reports**

- 15.54 The Land Surveyor in Training shall complete three practical surveying projects as outlined in Appendix 15-B.
- 15.55 All proposed projects require approval by the Board; the Land Surveyor in Training shall submit a proposal for each project in a format prescribed by the Board as Appendix 15-C.
- 15.56 The Board may accept or reject a proposed project or recommend amendments to make a proposed project acceptable.
- 15.57 All projects shall be based on work either undertaken by the Land Surveyor in Training and conducted during the term of the internship, or based on the Land Surveyor in Training's independent analysis of a project that was undertaken by a mentor.
- 15.58 The Land Surveyor in Training shall provide a written report with respect to each approved project.
- 15.59 The projects and reports are independent from the milestones.

- 15.60 Reports shall be completed consecutively, and the Board shall not accept reports for subsequent projects until the previous project report has been completed.
- 15.61 Projects are considered completed when the Board has provided written notification to the Land Surveyor in Training that the project is acceptable with no further edits or amendments.
- 15.62 All projects and reports, and any amendments thereto, submitted by a Land Surveyor in Training shall be scrutinized by the mentor who supervised the project, and a statement signed by the mentor attesting to that fact shall be endorsed thereon.
- 15.63 Any project or report, and any amendment thereto, that is not endorsed by the mentor shall be rejected.
- 15.64 The Board, upon acceptance of a proposal for a project, shall delegate a member of the association who will be responsible for the review and assessment of each project and report. The member who has been delegated by the Board shall review and provide comments to the Land Surveyor in Training within 30 days of his or her receipt of the initial report and any subsequent amended reports. The member delegated may seek assistance in the subject matter from any source.
- 15.65 Projects are considered completed when the delegated member accepts the final version of the report. Upon acceptance of the final version of the report, the delegated member shall promptly notify both the Board and the Land Surveyor in Training of the date of the acceptance.
- 15.66 For the purposes of appeals, the decisions of the delegated member are subject to the same scrutiny and appeals as the decisions of the Board.
- 15.67 All reports must be completed prior to a Land Surveyor in Training giving written notice to the Board of their intention to write examinations at their first sitting of the third milestone examinations.

### **Report on Training and Experience**

- 15.68 The Land Surveyor in Training shall supply a Report on Training and Experience, similar in form to that shown in Appendix 15-D, to the Board no later than 30 days prior to any examination sitting in which the Land Surveyor in

Training intends to participate, or when the Land Surveyor in Training does not participate in any examinations in a 12 month period, a Report on Training and Experience shall be supplied annually corresponding to the anniversary date of:

- a) the internship agreement, or
- b) the most recent Report on Training and Experience.

15.69 The Report on Training and Experience shall:

- a) detail the nature and quantity of the training and work experience that the Land Surveyor in Training has undertaken;
- b) identify any areas in which the Land Surveyor in Training did not meet the goals outlined in the learning plan;
- c) state the contribution made to the advancement of the Land Surveyor in Training's training and work experience by all mentors; and
- d) cover the time period since:
  - i. the commencement of the internship; or
  - ii. the date of the most recent Report on Training and Experience.

15.70 The primary mentor of the Land Surveyor in Training shall certify the accuracy of the Report on Training and Experience.

15.71 Questions relating to the Report on Training and Experience may be included in the oral examination of the milestone sitting; failure to provide a Report on Training and Experience 30 days prior to the milestone sitting date may result in the Land Surveyor in Training being ineligible to take the oral examination at that sitting and an amendment to their learning plan must be filed with the Board.

15.72 The Board may impose additional requirements to be met by the Land Surveyor in Training when shortcomings are identified in the Report on Training and Experience as compared to the undertakings proposed in the learning plan.

### **Notice of Intent to Write Examinations**

15.73 The Land Surveyor in Training shall give written notice to the Board that they intend to write examinations, in the case of the May sitting, on or before February 1<sup>st</sup>, or in the case of the November sitting, on or before August 1<sup>st</sup>; failure to provide such notice shall result in the Land Surveyor in Training being ineligible to write at that sitting and an amendment to their learning plan must be filed with the Board.

- 15.74 If the courses 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.
- 15.75 Notice of intention to write examinations shall be accompanied by the prescribed fees for the examinations as set out in the approved fee schedule for the current year.
- 15.76 Examination fees paid by a Land Surveyor in Training, who, for a bona fide reason, was unable to present himself for examination, may be refunded at the discretion of the Board.
- 15.77 If the Board rejects an application, all fees submitted with respect to the rejected application shall be refunded.

### **Examination sitting dates**

- 15.78 Upon receiving a notice of intention to write examinations, from one or more Land Surveyors in Training, for any sitting of examinations, the Board shall hold written examinations only during the first complete week in May that does not contain a holiday, or during the first complete week in November that does not contain a holiday, and shall hold oral examinations within two weeks following the written examinations, in accordance with the following:
- a) a complete week is defined as a seven-day period that commences on a Sunday;
  - b) the examinations shall be held at a place prescribed by the Board; and
  - c) a notice of the date, time, and place of each examination shall be sent by the Registrar to each Land Surveyor in Training who has given notice of their intention to sit the examinations, at least two weeks before the date of commencement of the examinations.

### **Examinations**

- 15.79 All examinations as outlined and described in Appendix 15-A shall be administered by the Board.
- 15.80 Nothing in this by-law restricts the ability of the Board 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 Land Surveyor in Training.

- 15.81 Any examination of which a Land Surveyor in Training gives notice of their intention to write and which is not written shall not be considered as a failed examination when considering Section 15.126.
- 15.82 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. If the invigilator deems the cause of delay to be reasonable the Land Surveyor in Training will be allowed to write the examination and shall immediately thereafter provide the invigilator with a written explanation of the cause of the delay which shall be included with the invigilator's report of a breach of examination rules to the Board.
- 15.83 Any Land Surveyor in Training who arrives late for the writing of an examination shall not be afforded any additional time beyond what is the end time of the examination had it started on time.
- 15.84 The Board shall establish rules for those writing examinations and shall, prior to each examination sitting, provide a copy of the rules to each person writing examinations.
- 15.85 No Land Surveyor in Training may receive assistance from or give assistance to any person, nor shall the Land Surveyor in Training communicate directly or indirectly with any written or digital medium or with any person, other than the invigilator, in any manner during an examination; any contravention of this section or of the rules prescribed in Section 15.84 shall be reported by the invigilator to the Board in writing and the Board shall review the circumstances of the contravention to determine whether that person should be disqualified or if any other action should be taken.
- 15.86 No examination shall be longer than three hours.
- 15.87 The oral examinations shall each consist of a single interview between the Land Surveyor in Training and at least three members of the Board.
- 15.88 The subject material of an oral examination shall be related to:

- a) any project completed by the Land Surveyor in Training prior to the examination which has not been eligible for scrutiny during a previous oral examination;
- b) the training and experience claimed by the Land Surveyor in Training since the later of, the commencement of the internship or the last milestone completed; and
- c) the course outlines for any examinations written as part of the milestone sitting.

15.89 The oral examinations shall be video recorded to facilitate assessment and appeals.

15.90 The Land Surveyor in Training's written examinations and the video recordings shall be kept on file in perpetuity.

15.91 All examination answer sheets and video recordings are the property of the Board and shall be kept confidential, subject to the request of the Board of Examiners Appeals Committee in an appeal of an examination result.

15.92 All examination question pages and answer keys are the property of the Board and shall not be distributed for study purposes, in whole or in part.

15.93 The Land Surveyor in Training shall complete at least six months of internship, and complete all other requirements, to be eligible to begin writing examinations in Milestone 1.

15.94 The Land Surveyor in Training shall be eligible to write examinations at the next ensuing sitting following the successful completion of each milestone, subject to conformance with the Land Surveyor in Training's approved learning plan and the completion of all prerequisites.

15.95 A Land Surveyor in Training is presumed to have advanced to the next milestone upon completion of the examination sitting; a fail in any examination shall rescind such advancement until the next examination sitting date at which the examination is again attempted.

### **Invigilator**

15.96 The Board shall appoint an invigilator to supervise each examination sitting.

15.97 The duties of the invigilator shall be as set out in Appendix 15-E.

- 15.98 Subsequent to the sitting of an examination the invigilator shall sign and forward to the Registrar, the Declaration of Invigilator (Appendix 15-F), together with a written report of any breach or attempted breach of examination rules.
- 15.99 The Board shall submit a complaint in accordance with the Act with respect to suspected unethical behaviour of any invigilator or Land Surveyor in Training.
- 15.100 If the matter of a complaint is of a nature such that it may be considered evidence of unsatisfactory character, the invigilator or the Land Surveyor in Training shall be subject to the provisions of the Act.

### **Marking of Examinations**

- 15.101 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 in advance of the examination;
  - c) has not complied with the provisions of this by-law or the instructions of the Board; or
  - d) is not currently in an internship relationship and has not been in an internship relationship with a Manitoba Land Surveyor for a period of more than 90 days at the time of the report submission or examination.
- 15.102 Each written examination shall be graded as a percentage by a marker appointed by the Board.
- 15.103 The Board shall make the final determination of marks awarded for each written examination, with due consideration of the marker's grade.
- 15.104 The Board shall assess the oral examination, distinct from the assessment of the written examinations, as it relates to:
- a) the learning outcomes of the Land Surveyor in Training's milestone project;
  - b) the perceived shortcomings or strengths in the Land Surveyor in Training's training and experience;
  - c) the Land Surveyor in Training's ability to effectively communicate their knowledge in a professional manner; and
  - d) the Land Surveyor in Training's display of professional attitudes and demeanor.

- 15.105 The assessment of a fail in any examination shall result in another examination being held at an ensuing examination sitting in accordance with Section 15.78, and the Land Surveyor in Training shall not advance to the next milestone until receiving a pass in that examination.
- 15.106 Each written examination will be assessed by the Board as either a pass, fail, or pass with conditions, and the Land Surveyor in Training shall be advised of their marks accordingly in writing within 30 days following the date of the examination.
- 15.107 Each oral examination will be assessed by the Board as either a pass, fail, or pass with conditions, without assigning a numerical value, and the Land Surveyor in Training shall be advised accordingly in writing within 30 days following the date of the examination.
- 15.108 No written examination may be evaluated as a pass if graded at less than 70%.
- 15.109 A written examination will be evaluated as a fail if graded at less than 65%.
- 15.110 A written examination graded between 65% and 69% may be evaluated as a pass with conditions.
- 15.111 A pass with conditions may be assessed in any examination only when the Board identifies a specific area or areas of weakness displayed by the Land Surveyor in Training and when the Board is of the opinion that the area or areas of weakness can be adequately addressed by specific undertakings or by further training and experience, the Board will provide said requirements to the mentor.
- 15.112 If a pass with conditions is assessed in accordance with Section 15.111, the Board must provide the Land Surveyor in Training and the mentor with a letter stating the identified area or areas of weakness and must include either:
- a) the specific undertakings which can be performed to address the area or areas of weakness; or
  - b) an explanation of the training and experience which the Board determines can address the area or areas of weakness.
- 15.113 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 Land Surveyor in Training to review the examination or to outline the specific undertakings;
- d) direct that the Land Surveyor in Training acquires more training or experience in a specific area and be further tested in that area;
- e) assign a special project to the Land Surveyor in Training, in addition to the three practical surveying projects, so that the Land Surveyor in Training can demonstrate an adequate level of knowledge and understanding in a specific area has been acquired; or
- f) any combination of the above conditions.

15.114 If the Board is satisfied with the outcomes of the conditions imposed in Section 15.113, the examination will be assessed as a pass; if the Board is not satisfied with the outcomes of the conditions imposed in Section 15.113, the examination will be assessed as a fail.

### **Special Project**

15.115 The Board shall set a deadline of not less than two weeks, nor more than four weeks, for the completion of any special project assigned to a Land Surveyor in Training.

15.116 If the deadline for the returns of the special project is met and the Board is satisfied with the returns, then the assessment of the examination for which a pass with conditions was assessed shall be recorded as a pass and the effective date of the pass shall be the date of the completion of the examination sitting regardless of the date upon which the examination is recorded as a pass.

15.117 If the Board is not satisfied with the returns of the special project, or the deadline for the returns is not met, then the assessment of the examination for which a pass with conditions was assessed shall be recorded as a fail.

15.118 The Land Surveyor in Training will be given two opportunities to submit an acceptable special project and if the second submission is not acceptable, subject to minor typographic or grammatical errors, the assessment of the examination for which a pass with conditions was assessed shall be recorded as a fail; in the case of a second opportunity afforded to the Land Surveyor in Training to provide an acceptable special project, the second submission shall be made within two weeks following receipt of the Board's evaluation, and the Board

shall provide its evaluation of the special project in writing to the Land Surveyor in Training within four weeks of receiving the special project in either case.

15.119 Subject to appeal, the Board shall make the final determination of the assessment of every special project.

### **Notice of successful completion**

15.120 Upon successful completion of the final milestone by a Land Surveyor in Training, 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.

### **Requirements for licensure**

15.121 The successful Land Surveyor in Training shall, within 30 days of the date of the notice set forth in Section 15.120, 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.

15.122 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.

15.123 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.

15.124 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 15.123, is provided.

15.125 Failure to provide the deliverables and request as required under Section 15.121 shall result in the Registrar advising the Registration Committee of the

fact and the status of the successful Land Surveyor in Training shall be changed to Suspended Member.

### **Termination of Internship**

15.126 If the Land Surveyor in Training fails examinations in any particular course three times, or fails an oral examination three times in any one milestone, the internship shall be considered terminated without successful completion.

15.127 Prior to termination, the third failed examination will be reviewed by the Board of Examiners Appeals Committee appointed pursuant to this by-law.

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

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

### **Board of Examiners Appeals Committee**

15.129 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 that relates to the assessment of an examination.

15.130 A Manitoba Land Surveyor is not eligible for appointment to the Board of Examiners Appeals Committee if they have been a member of the Board within two years immediately prior to the term of appointment.

15.131 Any person affected by a decision of the Board that relates to the assessment of an examination, may apply in writing to the Registrar to request an appeal of the decision.

15.132 All requests for appeal shall be submitted to the Registrar within 30 days of the date of the written notice containing the decision that is being appealed.

- 15.133 The request shall specifically state the grounds for the appeal.
- 15.134 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.
- 15.135 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.
- 15.136 The Registrar shall provide the Board of Examiners Appeals Committee with all relevant files and documentation which shall include, as applicable, the examination question paper, the answer sheets of the Land Surveyor in Training, the answer key, and video recordings of the oral examination.
- 15.137 The Board of Examiners Appeals Committee may make inquiries of the appellant or the Board with respect to the Board's assessment of the examination being appealed.
- 15.138 All commentary, files and documentation provided by the Board to the Board of Examiners Appeals Committee shall remain the property of the Board and shall be kept confidential.
- 15.139 The Board of Examiners Appeals Committee may uphold or vary the decision of the Board in a manner consistent with this by-law.
- 15.140 The Board of Examiners Appeals Committee shall forward its decision in writing to the Registrar together with all files and documentation relating to the appeal, and the Registrar shall forward a copy of the decision to the Board and to the appellant.
- 15.141 The Board shall effect the decision of the Board of Examiners Appeals Committee.
- 15.142 The decision of the Board of Examiners Appeals Committee is final.

### **Transition**

- 15.143 Any Land Surveyor in Training who is prejudicially affected by an amendment to Part 15 may apply to the Board to continue their internship under

the Rules and Regulations of the Board as existed prior to the amendment and the Board shall not unreasonably deny such continuance.