

Policy Type: Registration	Effective Date: March 29, 2023
Policy Number and Name: 3.2 Appeals - Examinations	Revision Date:
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Rationale

Pursuant to Land Surveyors Regulations made under subsection 12(1) of the Land Surveyors Act S.N.S. 2010, c. 38 O.I.C. 2013-337 (September 10, 2013), N.S. Reg. 308/2013 as amended by O.I.C. 2014-58 (February 25, 2014), N.S. Reg. 32/2014), the Association must grant any applicant for registration the right to an appeal. (see *Procedures for Appeal to the ANSLs Registration Appeal Committee*) which is included as a separate document on the ansls.ca website.

Definitions

"Board" means the Board of Examiners of the Association appointed by the Council to carry out the registration functions as set out in this Act, the regulations, and the by-laws.

"Candidate" means a person who has met the criteria for entry in the candidate roster pursuant to the regulations and who has entered a period of articles with an active member as approved by the Board.

"Canadian Board of Examiners for Professional Surveyors (CBEPS)" means the third-party assessor designated by the Board of Examiners through the authority of the Council of the ANSLs.

"Certificate of Completion" means the certificate from CBEPS required of applicants to illustrate compliance with the academic requirements of the Nova Scotia Board of Examiners.

"Council" means the Council of the Association.

"Executive Director" means the Executive Director appointed by the Council who may be an employee, consultant, independent contractor, or agent appointed by Council.

"Member" means, unless the context otherwise requires, a person whose name is entered on the Register.

"Registration Appeal Committee" means the Registration Appeal Committee appointed by Council pursuant to the Regulations. The Committee is comprised of one public representative and two members of the Active membership register, none of whom were involved in the original decisions regarding articles, exams, or survey project.

"Registration examination" means such examination or examinations as may be approved from time to time by the Board as a prerequisite for qualification as a Nova Scotia Land Surveyor.

"Respondent" means the person who is the subject of a complaint or the subject of a registration appeal pursuant to the regulations.

"Parties" to an appeal before the Registration Appeal Committee are the Association and the appellant. (From the Regulations 21 (4))

Background

The Board of Examiners must register and record the name of a person in the candidate roster who pays the applicable registration fee; successfully completes an approved education program; and enters an articling agreement. The Nova Scotia Board of Examiners has delegated to the Canadian Board of Examiners for Professional Surveyors (CBEPS) the assessment of candidates in respect to the academic requirements for a certificate of completion. The scheduling of examinations required by CBEPS normally takes place in March and October of each year. Details can be found on their website: www.cbeps-cceag.ca. The CBEPS Appeals Process is included as "Canadian Board of Examiners of Professional Surveyors – Appeals Process" which is included as a separate document referenced on the ansls.ca website.

It is important to note that an applicant for admission as an active member of the Association must complete all the requirements as set out below but in no particular order. Therefore, the appeals process allows for appeals on decisions regarding any of the requirements for registration and at various points of completion along the way.

The routes open to those who wish to become Nova Scotia Land Surveyors are as follows:

- a. Obtain a university degree from an accredited university that would qualify for a "certificate of completion" from CBEPS; or,
- b. Graduation from a technology-level program in surveying (e.g., Geomatics Engineering Technology, NSCC Centre of Geographic Sciences, Annapolis Valley Campus, Lawrencetown, Annapolis County, NS) and completion of CBEPS examinations through home study; and
 - serve a stipulated period of articling time with a land surveyor practicing in Nova Scotia to the satisfaction of the Board; (section 41 (1 & 2) and Schedule "C" of the ANSLs bylaws;

- fulfill the jurisdictional examination requirements; and
- complete a “survey project” as assigned and approved by the Board.

c. Application for membership via the Canadian Free Trade Agreement and the Labour Mobility Agreement signed by the Canadian survey associations.

Currently, the most common route to become a licensed Nova Scotia Land Surveyor is as follows:

Obtain a bachelor's degree in survey engineering or in survey science from a Canadian university that qualifies for a “certificate of completion” from the Canadian Board of Examiners for Professional Surveyors (CBEPS); and

- serve a stipulated period of articling time with a land surveyor practicing in Nova Scotia to the satisfaction of the Board; (section 41 (1 & 2) and Schedule “C” of the ANSLS bylaws;
- fulfill the jurisdictional examination requirements; and
- complete a “survey project” as assigned and approved by the Board.

Examinations

Written Jurisdictional Examination

Purpose

The purpose of the written exam is to ensure that the candidate is proficient in the following core competencies: evaluation of evidence, measurement and surveying science, understanding of pertinent Acts and Regulations, the Standards of Practice, and the ANSLS Code of Ethics. The candidate's answer to each question must be supported by quoting the applicable Act or legislation with section, subsection and all or a portion of the text to support the reference.

Process

The jurisdictional written examination, which is a 3-hour open-book exam, will be held in one or more approved locations in the province of Nova Scotia. Candidates may apply to write the examination on one of two dates published annually. The exams and answer keys are developed by a sub- group of the Nova Scotia Board of Examiners. Once a draft of the exam and answer key is finalized, it is submitted to the entire Board for approval.

Each candidate is assigned a number by the ANSLs examination administrator. No members of the Board sub-group are aware of which number corresponds to which candidate. Each exam question is sent to two markers from the Board sub-group who independently mark the exams using the provided answer key. Once the question is marked, the results are provided to a lead marker who is responsible for compiling the marks into a spreadsheet. The final mark of the exam will be determined as follows:

- If both markers grade the exam less than 70%, the final mark is the average from the two markers.
- If both markers grade the exam at 70% or greater, the final mark is the average from the two markers.
- If one marker passes the exam and one fails the exam, the lead marker will independently mark the exam. The exam passes if two out of three markers pass the exam and the average mark of the three markers is 70% or greater.

Appeal Process

Final marks are sent in writing to the candidates within 30 days from the day the candidate wrote the exam. The candidates then have 30 days from the time of receiving the results to request an appeal. Each appeal is sent to the Executive Director who notifies the Registration Appeal Committee, the members of which were not on the original Board sub-group who scored the exam. These Registration Appeal Committee members will independently mark the exams using the provided answer key. The Chair of the Registration Appeal Committee will be designated as the Lead Marker. Once the appeal is marked, the results are provided to a lead marker who is responsible for compiling the marks into a spreadsheet. The final mark of the exam will be determined as follows:

- If both markers grade the exam less than 70%, the final mark is the average from the two markers.
- If both markers grade the exam at 70% or greater, the final mark is the average from the two markers.
- If one marker passes the exam and one fails the exam, the lead marker will independently mark the exam. The exam passes if two out of three markers pass the exam and the average mark of the three markers is 70% or greater.

Once the appeal period is over, the ANSLs Executive Director sends all the candidates who fail a breakdown of their marks within 30 days.

Disposition by Registration Appeal Committee

The Registration Appeal Committee must do 1 of the following upon completion of the registration appeal process:

- 1)
 - (a) confirm the original decision of the Board;
 - (b) vary the original decision of the Board;
 - (c) dismiss the original decision of the Board.
- 2) The Registration Appeal Committee must give its decision, with reasons, in writing within 30 days.
- 3) A decision of the Registration Appeal Committee is final.
- 4) The Registration Appeal Committee must send a copy of its written decision to all of the following parties:
 - (a) the appellant, by registered mail or personal service;
 - (b) the Association, by regular mail or personal service

Supports in Place for the Candidates

The Chair of the Nova Scotia Board of Examiners or an assigned member and the articling mentor are the primary supports for the candidate throughout the entire examination process. Additional supports can be found in the Candidate Handbook which provides sample questions, an outline of current relevant statutes, a list of reference material, and a suggested study approach. The reference material can be found on the ANSL website.

Objectivity

Registration Appeals Committee members receive training in how to mark exams. Each exam question and answer key are developed and reviewed by the Nova Scotia Board of Examiners. Consistent decisions are made by using an answer key regardless of who is marking the exam.