

Association of Nova Scotia Land Surveyors (ANSLS)

Registration Policies

These policies have been developed to comply with the **Fair Registration Practices Act**, CHAPTER 38 OF THE ACTS OF 2008, as amended by 2014, c. 14; 2015, c. 52, s. 32; N.S. Reg. 50/2015; 2018, c. 23, s. 24; 2019, c. 8, s. 181.

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Association of Nova Scotia Land Surveyors

Policy Type: Registration

Legislative Authority: Land Surveyors Act and Regulations

Name: Registration Appeals Policy

Status: Revised: February 11th, 2021

Related policies: Alternative Information; Access to Records; Accommodations

1.0 - 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 Appendix 1)

2.0 - 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 regs 21 (4))

3.0 - 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 Appendix 2.

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

4.0 - ARTICLES

Purpose: The objective of this work experience is to ensure that all candidates gain acceptable experience that is practical and varied, and to allow them to progress to the level of maturity required to make reliable professional judgments.

Guidelines

1. Application of Theory: The skillful application of theory is an important component of professional land surveying. Experience must include active participation in and supervision of: (a) project research and analysis, including scope and operating conditions, safety and environmental issues, economic feasibility, technical merit; (b) collection and assessment of field evidence; (c) applying technical and legal solutions; (d) making final project decisions in a practical and timely manner; (e) delivering final product and managing finances/budget.

2. Practical Experience: The Candidate must gain experience by: (i) Attending work sites, locating and assessing evidence, taking measurements, setting out positions, dealing with clients, regulatory authorities and the public; (ii) Conducting research at relevant locations, and applying statutes and regulations to projects; (iii) Observing and participating in all record keeping requirements and practices including field notes and project files; (iv) Reading and understanding the legal aspects of relevant contracts and ensuring the terms are followed; (v) Achieving an understanding of professional and business ethics and applying this understanding in his/her business practices; (vi) Gaining an insight into the importance of being part of a team.

The **period** of articles shall include 24 months of acceptable professional land surveying work experience based on the above Guidelines and the Elements stated below. The 24 months of experience assumes a minimum of 3300 hours that must be totaled and signed off by the Nova Scotia Land Surveyor and submitted to the Board. The Nova Scotia Land Surveyor only signs off on the articles when they feel that the candidate has acquired the appropriate level of experience to obtain active membership. For a minimum of 50% of the 24 months a Candidate shall be in a supervisory position or role.

Elements of Experience: The Candidate must gain experience in the following elements of professional land surveying using the associated minimum time (percentage) criteria.

The Guidelines should be applied to these elements as applicable. The Element and Minimum Time Percentages totalling 100 are as follows:

Boundary Retracement, 20;

Boundary Establishment, 10;

Technical Surveys, 10 (e.g., Site, control, location certificates, etc.);

Research and Analysis of Evidence, 5;

Preparation of Description of reports, 5;

Professional Development, 5 (e.g., Client interaction, estimates, business management, etc.);

Discretionary Practice, 45 (determined by the candidate and the member).

APPROVAL PROCESS:

- The Board must approve the articling agreement of a person seeking membership as a candidate before the period of articles begins.

- The Board must approve the name of the active member entering into an articling agreement with a candidate.
- With the approval of the Board, a candidate may transfer the responsibility of articles to another active member by signing a new articling agreement.
- A candidate must complete the period of articles in the manner and in accordance with the timelines in the articling agreement.
- Upon completion of the articling period, an active member to whom a candidate is articulated must sign a form approved by the Board confirming that all the requirements of the articling agreement have been met.

An initial interview with the candidate, the principal, and a minimum of three members of the Board of Examiners will be scheduled by the ANSLS within 60 days of receiving the articling paperwork and fees. Candidates may receive credit for any field time, office time and examinations written prior to approval of articles. During the interview, the action plan to complete articles submitted by the candidate and principal will be reviewed by the Board to ensure that it is realistic. This interview is required prior to the Board approving articles. The interviews are generally held in person but have been done online due to location. There are three possible outcomes to this interview:

- The Board approves articles.
 - o The ANSLS Administration notifies the candidate and principal in writing within two weeks of the interview regarding approval of articles.
- The Board defers approval of articles until additional information is received.
 - o ANSLS Administration sends a letter to the candidate and principal regarding deferral of articles within two weeks of the interview.
- The Board refuses articles. The Board will not approve articles if:
 - o the principal is unable to provide the candidate with sufficient training and experience.
 - o the principal accepts more than one candidate under articles per calendar year. (The principal may accept two candidates per calendar year if one of the candidates is transferring articles or any other extenuating circumstance.)
 - o ANSLS Administration will send the written decision with reason(s) to the candidate and principal within three weeks of the interview.

APPEALS PROCESS

An individual whose articles are refused by the Board may, within 30 days of receiving a written notice of refusal and the reasons for it, send a written request for an appeal to the Executive Director. The request should set out the reasons why, in the individual's opinion, the articles should be approved. The Council must, within 30 days after receipt of a request, forward the matter to the Registration Appeals Committee for a review of the articles. An individual who requests a review must be notified in writing by the Association of the date, place, and time that the Registration Appeals Committee will review the articles and is entitled to appear and make representations to the Council when it reviews the articles.

The date for the review will be no later than 60 days after the date upon which the Committee received the request from Council.

Disposition by Registration Appeal Committee

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

- (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 CANDIDATE: Additional information on the initial interview is in the Candidate Handbook that is posted on the ANSLs website. The principal is the primary support for the candidate throughout the articling process. The initial interview is designed to ensure that the principal is going to provide the support required to the pupil. It also gives the candidate an opportunity to raise concerns or make requests for accommodations.

Objectivity: The Board of Examiners members and Registration Appeals Committee members receive training on initial interviews and uses a questionnaire when conducting the interviews to create consistency.

5.0 - 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:

- (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 articling 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 ANSLs 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.

6.0 - SURVEY PROJECT

PURPOSE

The purpose of the Survey Project is to ensure that a candidate can complete a typical land surveying project from start to finish. The Survey Project also tests the core competencies of professional written communication, evaluation of evidence, measurement and surveying science and the candidate's understanding of pertinent acts and regulations.

The project will be reviewed and rated by three special examiners, who will all be members in good standing of the Association of Nova Scotia Land Surveyors, appointed by the Board of Examiners. The candidate will furnish the Board with four complete sets of the plan(s), description(s), report of the completed project and supporting documentation. The candidate will provide to the Board, as part of the report, a representative invoice for the survey services associated with the survey. The invoice will show in detail the number of hours for each segment of the survey, the rates charged for the various classifications of service providers, the rates charged for equipment used and for all consumables. The report will include justification of the rates and incorporate all direct and overhead costs.

The Board, in appointing special examiners, will specify the senior member who will be responsible to the Board for organizing and coordinating the work to be done. The special examiners should be prepared to meet as a group within one month of being designated to review a candidate's project. At this meeting, the candidate will be present with a complete set of the deliverables noted above and be prepared to defend the survey and report. Candidates are encouraged to contact the Association office to review previous projects, so that they are made aware of what is expected to be presented.

PROCESS

When a Survey Project is submitted by a candidate, the candidate will receive a confirmation email when it is sent to the three assigned special examiners. This notification shall come from the Executive Director of the Association.

The three special examiners will independently review the Survey Project and rate it on the rating sheet attached as Appendix 3. The rating sheet will be kept confidential by each examiner until the point in the process noted below.

Within three weeks (or a reasonable extension thereof for extenuating circumstances) the three special examiners will meet in person to discuss their individual reviews, not the rating at this time.

After this discussion, the candidate will be brought into the review process and the examiners will proceed to interview the candidate with respect to any or all aspects of the Survey Project. When the interview with the candidate is complete, the candidate will be excused.

Immediately on completion of the interview with the candidate the examiners will present the lead examiner their rating sheet. The lead examiner will average the ratings from the sheets, which will be the candidate's preliminary rating. After discussion among the examiners regarding the preliminary rating and his presentation and justification at the interview the examiners may revise their rating(s) with brief justification for change. The lead examiner will again average the ratings, and this will be the candidate's rating for the initial review.

If the rating on all aspects of the rating sheet is 75% or greater the candidate will have successfully completed the Survey Project and the lead examiner will so notify the Executive Director. If the rating on one or more of the aspects is below 75% the examiners may require the candidate to address those aspects of the Survey Project and to resubmit the revised portions of the Survey Project to the lead examiner. The lead examiner will distribute the revisions to the examiners who will review and provide a rating to the lead examiner within two weeks (or a reasonable extension thereof for extenuating circumstances) of receipt.

If the average rating on each aspect of the revisions is 75% or greater the lead examiner will notify the other examiners and the Executive Director of the Candidate's successful completion of the Survey Project.

Any or all the aspects of the rating can be submitted a maximum of three times, including the initial submission. If after the third review the aspects of the rating are still below 75% the Candidate will be required to submit a new Survey Project.

APPEAL PROCESS

After completion of any of the three reviews the Candidate can, within 30 days, appeal the decision(s) of the special examiners. At this point the process will cease and the Executive Director will notify the Registration Appeal Committee, the members of which were not involved in the original decisions. Within 60 days of notification, the Registration Appeal Committee members will review the entire project up to the disputed point in the review. The Registration Appeal Committee will follow the same review process as the original examiners and rate the disputed aspects of the Survey Project.

The Registration Appeal Committee can:

- (a) Agree with the disputed ratings of the original examiners and order the process to continue.
- (b) Disagree with any or all of the disputed ratings of the original examiners and order the process to continue with consideration to the Registration Appeal Committee decisions with respect to the disputed ratings.

If there are further disputes with the original examiners ratings after the process continues the same Registration Appeal Committee will review the Survey Project from that point in the process. The Registration Appeal Committee will either agree or disagree with the original examiners with the same results as above.

All decisions of the Registration Appeal Committee, at any point in the review process, are final.

SUPPORTS IN PLACE FOR THE CANDIDATE

The Chair of the NS Board of Examiners or assigned member and articling principal are the primary supports for the candidate throughout the articling process. Additional supports can be found in the Candidate Handbook on the ANSLS website. The Handbook provides an outline that should be used for the Survey Project. This ensures that the information is complete and easy to access by the Candidate.

Objectivity: Registration Appeals Committee members and special examiners will use the rating document(s) approved by the Nova Scotia Board of Examiners. Consistent decisions are made by using the rating document regardless of who is rating the Survey Project. Each Survey Project is independently rated by three special Examiners to ensure that any potential biases are mitigated.

Appendix 1

Procedure for Appeal to the ANSLs Registration Appeal Committee

(N.S, Regs s. 21 -22)

21 (1) The Board of Examiners must give written reasons for any decision that

- (a) refuses an applicant's
 - (i) registration, or
 - (ii) entry in a roster; or
- (b) imposes conditions or restrictions on a member's registration.

(2) An applicant may, by written notice, appeal a decision listed in subsection (1) to the Registration Appeal Committee no later than 30 days after the date the applicant receives the written reasons.

(3) On receiving a written notice of appeal, the Registration Appeal Committee must do all of the following:

- (a) set a date for a hearing of the appeal that is no later than 60 days after the date the Committee receives the written notice of appeal;
- (b) serve written notice of the date, time and place for the hearing of the appeal on the appellant and the Executive Director;
- (c) advise the appellant of their right to
 - (i) be represented by legal counsel,
 - (ii) disclosure of any information to be given to the Committee, and
 - (iii) a reasonable opportunity to present a response and make submissions.

(4) The parties to an appeal before the Registration Appeal Committee are the Association and the appellant.

(5) Except as provided in subsection (6), evidence is not admissible before the Registration Appeal Committee unless, at least 10 days before the appeal, the opposing party has been given

- (a) in the case of written or documentary evidence, an opportunity to examine the evidence;
- (b) in the case of evidence of an expert, a copy of the expert's written report or, if there is no written report, a written summary of the evidence; and
- (c) in the case of evidence of any other witness, the identity of the witness.

(6) If it is in the public interest, the Registration Appeal Committee, in its discretion, may allow the introduction of evidence that is otherwise inadmissible under subsection (5) and may make directions it considers necessary to ensure that a party is not prejudiced by the introduction of the evidence.

(7) In a proceeding before the Registration Appeal Committee, the parties have the right to the opportunity to present evidence and make submissions, including the right to examine and cross-examine witnesses.

(8) The Registration Appeal Committee must give the parties written reasons for its decision within a reasonable time.

(9) All material relied upon by the Board in making the decision that is the subject of the appeal must be given to the parties.

(10) The testimony of witnesses at a hearing before the Registration Appeal Committee must be taken under oath or affirmation.

Disposition by Registration Appeal Committee

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

- (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 in writing.

(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.

Appendix 2

Canadian Board of Examiners of Professional Surveyors

Appeals Policy

(1) The Registrar will confirm approval of candidacy and awarded exemptions. Those who have graduated from a CBEPS recognized technical institute or accredited university program, who feel that they should be awarded *more* exemptions from some of the subjects listed in the Candidates Handbook, can apply by submitting an Exemption Request.

(2) In the communication confirming approval or rejection of candidacy, candidates will be expressly notified that every decision of the Registrar is subject to an appeal process as described in section 27).

APPEALS

Every candidate may appeal for a review of any decision or examination result.

Every appeal by a candidate must provide the following:

What the appeal is about i.e., decision from the Registrar or an examination result.

Arguments supporting the appeal i.e., why the decision or mark is wrong.

Supporting documents such as exam, answers, and marks and/or any documents justifying the appeal.

Submit the appeal and all necessary documents via email to the Registrar at registrar@cbeps-cceag.ca

An appeal from an examination result is handled by the official reviewer for the subject named by the CBEPS Exams Review Committee from time to time.

An appeal from a decision made by the Registrar is handled by the CBEPS Board of Directors. The Board of Directors members are representatives from all Canadian land surveying associations elected on the Board by their respective associations.

All documents provided by the candidate as well as the email demanding a review are provided to the person or persons responsible to adjudicate the appeal.

The candidate must make the appeal to the Registrar within 30 days after the decision or exam result was issued and submit the required fee (\$100 for an exam appeal and \$200 for a Registrar decision appeal).

Decisions:

A decision from an appeal of an examination result will be rendered within 30 working days of the receipt of a candidate appeal where all the information is provided;

A decision from a Registrar's decision will be rendered within 60 days of the receipt of a candidate appeal where all the information is provided;

All decisions will be provided to the candidate in writing via email by the Registrar.

Foreign Trained Land Surveyors Appeals Process

A decision of the FTLS Evaluation Committee can be appealed by candidates. The following outlines the process, timelines, documents required and who hears the appeal and makes the final decision.

FTLS Evaluation Committee

Reviews the recommendation from the interview panel

Accepts or refuses the recommendation in which case it is sent back to the panel for reconsideration

Decision emailed to candidate by the Registrar indicating the right to appeal the decision within 60 days

Foreign Trained Land Surveyors

Appeal of the FTLS Evaluation Committee

An appeal of the FTLS Evaluation Committee is handled by the CBEPS Board of Directors. The Board of Directors members are representatives from all Canadian land surveying associations elected on the Board by their respective associations and representatives from Academia.

The CBEPS Board of Directors decision is final.

**Appendix 3
Association of NSLS Candidate Survey Project**

Rating Sheet

Student: _____

Project: _____

Review Date: _____

Examiner: _____

Initial Review:

Report of Survey _____

Boundary Decision(s) _____

Plan _____

Legal Description(s) _____

Candidate Interview _____ N/A

Rating _____

(average of above four elements)

After interview:

(average of above five elements)

Comments:

Association of Nova Scotia Land Surveyors

Status: Final version, January 21, 2021

ACCOMMODATION POLICY

1.0 - PURPOSE

“Disability” or “Handicap” refers to all disabilities protected under the Nova Scotia Human Rights Act, RSNS 1989, c 214 (the “Act”). Physical disability or mental disability is defined in Section 3(l) of the Act as an actual or perceived:

- Loss or abnormality of psychological, physiological or anatomical structure or function; Restriction or lack of ability to perform an activity; Physical disability, infirmity, malformation or disfigurement, including, but not limited to, epilepsy and any degree of paralysis, amputation, lack of physical co-ordination, deafness, hardness of hearing or hearing impediment, blindness or visual impediment; speech impairment or impediment or reliance on a hearing-ear dog, a guide dog, a wheelchair or a remedial appliance or device;
- Learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- Condition of being mentally impaired;
- Mental disorder; or,
- Dependency on drugs or alcohol.

“Reasonable Accommodation” means providing alternative arrangements or measures to persons who are protected under the Act. Accommodation is intended to support the needs and requirements of the applicant without causing undue interference to the operations of the Association of Nova Scotia Land Surveyors.

“Undue Hardship” means that all reasonable methods of accommodation have been exhausted and only unreasonable or impracticable options remain. Undue hardship may include factors such as operational costs, financial impact, or safety concerns. The Association of Nova Scotia Land Surveyors will make reasonable efforts to accommodate applicants with special needs.

Accommodation does not:

1. Require an organization to lower standards to accommodate candidates with disabilities.
2. Relieve the candidates of the responsibility to develop the essential skills and competencies expected of all candidates to be registered as a Nova Scotia Land Surveyor.

2.0 - PROCESS

Candidates who are applying for accommodation must provide their request in writing to the ANSLs at the earliest point possible. The following information must be included in the request:

1. The nature of the disability.
2. The type of accommodation requested.

3. A set of options for accommodating the specific disability.
4. Examples of accommodation the candidate has received in the past.

Depending on the nature of the disability and the type of accommodation requested, the Registrar may request that the applicant provide additional evidence. Such additional evidence may include, but is not limited to, a formal medical diagnosis, or documentation from a health practitioner explaining the need for the accommodation being requested. (e.g., medical information from the doctor or specialist).

Once the ANSLs is aware of a need to accommodate, the request will be reviewed by a minimum of three members of the Nova Scotia Board of Examiners (NS BoE). The NS BoE will work with the candidate to develop a plan of accommodation that does not cause undue hardship to the ANSLs.

3.0 - Types of Accommodation

- The Registrar is not required to provide the applicant with their preferred type of accommodation. In cases where the applicant's specific request cannot be accommodated, the Registrar will work with the applicant to determine a reasonable accommodation that will enable the applicant to overcome the discriminatory effect of the application process.
- If the requester and the Association cannot agree on what type of accommodation is appropriate in any case, the Registrar will make a determination as to what accommodation, if any, is to be provided.
- Examples of accommodations that can be made include, but are not limited to:
 - assistance in completing application forms,
 - methods of communication that differ from the Association's regular process,
 - alternate times/locations for in-person meetings/interviews/hearings.
- Examples of accommodations that can be made for the Association's jurisdictional examination include, but are not limited to:
 - additional time,
 - alternative times/locations for the examination,
 - translation assistance (e.g., reader, recorder, interpreter for the hearing impaired, voice-output software),
 - modification of test material (e.g., large font, coloured paper, computerized).
- The Registrar may decline to provide any accommodation when doing so would circumvent a bona fide occupational requirement.
- Notes related to the accommodation request are kept separate from other file materials to avoid inappropriate disclosure of personal health information.

4.0 - APPEAL PROCESS

If the candidate and NS BoE fail to develop a plan of accommodation, an outside source will be contacted to mediate/arbitrate.

5.0 - SUPPORTS IN PLACE FOR THE CANDIDATE

The candidate handbook outlines the process for candidates who require accommodation. When a candidate enters into articles, they are required to fill out an articling resume. One of the questions

asked is if he or she requires accommodation which is reviewed at the initial interview. Yearly the candidate is required to fill out an annual articling report. Again, one of the questions asked is if the candidate requires accommodation. If yes, the request is sent to the chair of the NS BoE.

IS THE PROCESS TRANSPARENT, OBJECTIVE, IMPARTIAL AND FAIR?

Transparent: Accommodation process is outlined in the Candidate Handbook which is available on the ANSLS website. Candidates are asked on the articling resume and yearly articling report if they require accommodation. This ensures that if a candidate requires accommodation that they have an opportunity to notify the NS BoE.

Objective: The NS BoE works with the candidate to develop a plan of accommodation specific for their needs. Allowing the candidate to work with the NS BoE, ensures that he or she has input on the plan of accommodation.

Impartial: There is a minimum of three members of the NS BoE working with the candidate to develop a plan of accommodation. This ensures that potential biases are mitigated.

Procedurally Fair: The NS BoE does not decide on accommodation. They work with the candidate to develop a plan.

6.0 - PROTECTION OF THE PUBLIC

The ANSLS is not lowering its standards by accommodating candidates. Candidates still have the responsibility to develop the essential skills and competencies expected of all land surveyors in order to protect the public.

Policy Type: Registration

Name: Access to Records Policy

Status: Final Version #2 Date Approved: January 21, 2021

Background: This policy ensures all registration applicants have access to information in their file. The Association of Nova Scotia Land Surveyors is committed to protecting the privacy and confidentiality of information it receives or creates while fulfilling its regulatory functions. The Association fulfills this commitment to privacy and confidentiality by complying with its statutory obligations under the Land Surveyors Act.

General

1. Verified applicants may, upon submitting a written request to the Registrar, have access to all documents related to their application for registration. No other person may request access without written approval of the applicant.

Provision of Records

2. Records include all the documents that relate to the application, such as, but not limited to:
 - a. Documents provided by the applicant as part of their application.
 - b. Documents that describe the regulatory body's rationale for its decision.
 - c. Documents related to any assessment of qualifications completed or received by the Association.
 - d. Documents related to accommodation requests; and
 - e. Documents related to reviews and appeals.
3. Records held by the Association that are related to the application can be provided by paper, electronically or facsimile as per the applicant's request.

Costs and Fees

4. Prior to forwarding the records to the applicant, the Association shall confirm the costs incurred in preparing the documents for disclosure, which costs shall include:
 - a) Photocopy costs, if any.
 - b) Postage costs, if any.
 - c) Courier costs, if any; and
 - d) A fee to offset the administrative time involved in preparing the documents.
5. The Association shall advise the applicant of the fee for access to the documents and must receive the fee from the applicant before documents are disclosed.

Timing

6. The Association will make every effort to respond to the requests within 30 days of the request being received by the Association and to assist the individual with understanding the information.

Amendments to

7. An individual shall be able to challenge the accuracy and Records completeness of their personal information and request to have it amended if appropriate.

Denying Access to

8. If the Registrar is of the opinion that release of any of an applicant's documents may jeopardize the safety of any person, the applicant will be provided only those documents that are not considered to jeopardize the safety of any person. The Registrar may also redact portions of documents that may lead to the identification of a person who provided information to the regulating body.

9. In the event that the Association refuses to provide access to all documents it holds related to the applicant's application for registration, the Association will provide reasons for denying access.

Retention of

10. All original documentation submitted to the Association throughout the registration process remains as part of the physical file; therefore, such documents will not be returned regardless of whether an applicant's application is withdrawn, approved, or denied for registration.

Type of Policy: Registration

ACCEPTING ALTERNATIVE INFORMATION TO REQUIRED DOCUMENTATION

Status: Final as of January 21, 2021

POLICY STATEMENT

The Association of Nova Scotia Land Surveyors recognizes there are circumstances where an applicant will not be able to provide certain documents required as part of the registration and licensing process for reasons beyond the applicant's control. In these circumstances, the ANSLS will work with the applicant to accept alternative information to the required documentation in a way that will not compromise the integrity of the registration and licensing process. The applicant must provide documentation of the reason(s) why they cannot provide the required documents.

The ANSLS Board of Examiners retains the right to request additional evidence or documentation to assist in the processing of an application. The ANSLS also retains the right to decline a request by an applicant to approve the use of alternate evidence or documentation if doing so would compromise the integrity of the registration and licensing process or the applicant has not provided sufficient reasoning or documentation to support their request.

PURPOSE

The purpose of this Policy is to educate and inform applicants of the formal policies in place in circumstances where an applicant is unable to submit documents required for the registration and licensing process for reasons beyond the applicant's control.

SCOPE This Policy is intended to apply to all applicants, including new graduates, land surveyors from other Canadian jurisdictions and internationally trained professionals. This Policy is intended to apply to documents submitted by an applicant as part of the registration and licensing process. It is not intended to apply to application fees.

DEFINITIONS

- "Affidavit" means a written statement of fact that is sworn under oath or affirmed to be true. An affidavit must be signed before an individual who is authorized to administer oaths.
- "Certified Translator" means an individual who is certified to provide translation services through a professional organization (for example – the "Canadian Translators, Terminologists, and Interpreters Council").
- "Certified Copy" means a photocopied document that has been certified and signed by a notary/commissioner of oaths to verify that the document is a true copy of the original document.
- "Commissioner of Oaths" means an individual who is qualified and authorized to certify the oath of another individual. A commissioner can take and receive affidavits, declarations and affirmations within the province in which they are authorized.
- "Notarized" means to have an appointed and authorized individual (i.e. a notary public) witness the signing of a document. The document must be signed and stamped to certify that the notary has verified the parties' identities and witnessed the required signatures.

REQUIRED DOCUMENTATION

See the ANSLs web site [The ANSLs - Candidate Members](#) for documentation required to apply for a license to practise land surveying.

REQUESTING CONSIDERATION OF ALTERNATIVE INFORMATION

An applicant who cannot provide some or all of the required documentation should contact the Registrar in writing to request that the ANSLs accept alternative information. The applicant's request should include:

- A list of the required documents that cannot be provided.
- The reason the applicant cannot obtain the required documentation.
- A description of what attempts the applicant has previously made to obtain the required documentation.
- A description of the documents the applicant could provide to demonstrate their qualifications for licensure, and
- Whether or not the applicant consents to the ANSLs contacting third parties to assist in obtaining information and documentation of the applicant's qualifications.

The Registrar may request that the applicant provide additional information or evidence to demonstrate why the applicant is unable to provide required documentation.

Where the documentation is required by a third-party assessor, the Registrar may direct the applicant to contact the third-party directly.

It should be noted that it may not be permissible to allow alternate documents to certain documents listed in Sections 5 and 6. This will be determined on a case by case depending on the circumstances.

EXAMPLES OF REASONS BEYOND THE APPLICANT'S CONTROL

- Loss of documentation because of extreme weather or natural disaster.
- The institution that issued the document is no longer in existence.
- An articling supervisor is deceased.
- Written approval or recommendations for additional work on the project survey was not submitted to the Nova Scotia Board of Examiners.
- The applicant has previously resided in a conflict zone and as a result is unable to obtain their records.
- The applicant is unable to obtain their records as a result of political, religious, or ethnic persecution.
- It should be noted that the above list is not intended to be exhaustive and the ANSLs recognizes that a wide range of reasons beyond an applicant's control may exist for why they do not have access to a document.
- The ANSLs position is that this Policy is only intended to apply in exceptional circumstances.

BURDEN ON APPLICANT

The burden is on the applicant to provide sufficient evidence and information in support of their explanation of why a document(s) is unavailable. The ANSLs retains the right to deny the applicant's

request if the applicant has not provided sufficient reasoning or documentation to support their request. The evidence, documentation and reasoning provided by an applicant will be assessed on a case-by-case basis.

REQUIREMENTS OF AFFIDAVIT

An affidavit submitted to the ANSLs must be an original sworn affidavit. The affidavit must be in either English or French. See Section 10 for requirements for translated documents. The affidavit must be signed and sealed (or stamped) by a Notary Public or Commissioner of Oaths. The following information is required in the affidavit:

- The identity of the applicant.
- Reasons why the required documents could not be submitted.
- Attempts made to obtain the documents.
- The name of the university the applicant attended and the dates they completed their program.
- The name and description of all courses taken during the program; and,
- The name of the degree granted and the date it was granted.

TRANSLATED DOCUMENTS REQUIREMENTS

The following provisions are to be utilized if an applicant's original document is not in English or French:

- The translation of documents is the responsibility of the applicant.
- The translated document must be attached to the original document.
- The translated document must be translated by a certified translator. This cannot be an official from the applicant's university, community college or institute, unless the individual holds the role of a certified translator.
- The certified translator must place their seal on the document and place their signature by the seal. All documents translated must bear the seal and signature of the certified translator.

ALTERNATE INFORMATION – EDUCATIONAL CREDENTIALS

Where the Registrar accepts that required documentation cannot be provided for reasons beyond the applicant's control, the ANSLs may consider the following alternative information for assessing an applicant's educational credentials:

- Certified copies of original academic documentation.
- Photocopies of academic documentation together with an affidavit attesting to the authenticity of the document.
- An affidavit from the applicant describing the applicant's academic qualifications, the institution attended, and detailed descriptions of the courses taken and course curriculums, with supporting evidence if available.
- Affidavits from former professors and classmates verifying the applicant's course descriptions and attesting to the applicant's academic performance.
- Information obtained by the ANSLs from third parties, with the applicant's advance consent, verifying the applicant's educational credentials.
- Any other information offered by the applicant evidencing their academic qualifications.

The list above is not intended to be exhaustive. The Registrar may request that the applicant provide alternative documentation. The documentation and information provided by an applicant will be assessed on a case-by-case basis.

ALTERNATE INFORMATION – PROFESSIONAL QUALIFICATIONS

Where the Registrar accepts that required documentation cannot be provided for reasons beyond the applicant's control, the ANSLs may consider the following alternative documents for assessing an applicant's prior experience:

- Reference letters from prior employers and colleagues.
- An affidavit from the applicant describing the applicant's professional qualifications and detailed descriptions of prior work performed, with supporting evidence if available.
- Copies of reports that support the applicant's involvement in a survey project.
- Statements of professional standing from other regulatory bodies.
- Certified copies of professional licenses or certificates.
- Any other information offered by the applicant evidencing their professional qualifications.

The list above is not intended to be exhaustive. The Registrar may request that the applicant provide alternative documentation. The documentation and information provided by an applicant will be assessed on a case-by-case basis.

ALTERNATE ARRANGEMENTS

In specific circumstances, the Registrar may exercise discretion to arrange alternate mechanisms for assessing an applicant's professional competencies (for example: an interview with licensed members of the Nova Scotia Board of examiners, supervised practice, etc.). The registrar will only elect to use this provision in unique situations where all other methods have been exhausted.

The ANSLs Nova Scotia Board of Examiners also retains the right to decline to use this provision if doing so would compromise the integrity of the licensing process (or the profession) or the applicant has not provided sufficient reasoning or documentation to show that all other methods have been exhausted.

The applicant may be responsible for the cost of alternative assessments depending on the nature of the assessment required.

STATUS OF APPLICATION

Applicants cannot begin to practice without a licence, which means that applicants must wait until the application process is complete and their application is successful with the Nova Scotia Board of Examiners. Much like the general licensing process, in circumstances where the Registrar needs to obtain additional information, the Nova Scotia Board of Examiners will require additional time to complete the registration and licensing process.

