



# **OMFC REGISTRATION REVIEW**

**Manitoba Association of Architects  
Final Registration Review Report (2012)**

---

OFFICE OF THE MANITOBA FAIRNESS COMMISSIONER



## Table of Contents

Introduction .....	1
Registration Review Process .....	2
The Profession of Architecture in Manitoba.....	3
Overview of MAA’s Assessment and Registration Process.....	4
Registration Review Findings .....	9
Fairness Standard & Criteria Document – MAA Review Findings.....	13
Fairness Commissioner’s Recommendations .....	28
MAA’s Action Plan.....	30
Fairness Commissioner’s Statement of Compliance.....	40
Appendix A .....	41
Appendix B .....	42



## Introduction

This Final Registration Review Report presents the results of the Office of the Manitoba Fairness Commissioner's (OMFC) registration review with the Manitoba Association of Architects (MAA) as of September 2012.

Registration reviews are conducted as part of the Fairness Commissioner's mandate to review the registration practices of regulatory bodies subject to *The Fair Registration Practices in Regulated Professions Act* (Act).

The purpose of a registration review is to enable the Fairness Commissioner to determine a regulator's compliance to the Act and to make recommendations to improve compliance. Two senses of compliance are at work in the legislation. First and foremost, it refers to the fairness of assessment and registration practice, with particular attention drawn to the need for the fair consideration of internationally educated applicants. Secondly, it refers to the co-operation of the regulator with the Fairness Commissioner.

The Act stipulates that a registration review for any given regulator is to be undertaken at times specified by the Fairness Commissioner. It also stipulates that the content of a registration review is to include an analysis of the relevance and necessity of registration requirements, the timeliness of decision making, the reasonableness of fees and the registration of internationally educated individuals. This may involve the review of any third parties employed in the assessment and registration process.

The OMFC's review process culminates in a Final Registration Review Report, complete with an Action Plan from the regulator. This report is a public document submitted to the Province's Minister of Immigration and Multiculturalism and posted on the OMFC's website.

The OMFC undertook a registration review with the MAA between April and July of 2012 (see appendices A & B). Several meetings were involved, documentation was gathered and reviewed, field work was conducted and the MAA provided an Action Plan in response to the Fairness Commissioner's recommendations. The MAA's Action Plan, as well as the OMFC'S review findings and the Fairness Commissioner's recommendations follow throughout this report.

## Registration Review Process

The OMFC's multi-step review process has several key phases: agreeing to a review schedule, documenting and understanding, evaluating and drafting the findings and recommendations, achieving an action plan to move things forward. The process is designed to support meaningful reviews that concretely identify fairness issues and lead to progressive change.

### The Fairness Standard and Criteria Document

---

For the purposes of the 2012 registration review cycle, regulatory practice is evaluated against a single, broad fairness standard: ***Dedicated and fair practices are applied for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure their effectiveness.*** In the Fairness Standard and Criteria Document, this fairness standard is defined by 14 elements, each further differentiated into one or more criteria.

For each criterion in the 'Fairness Standard and Criteria Document', green, yellow, and red check marks --    -- designate whether evidence is found indicating compliance, needs improvement, or non-compliance. Practices identified as needing improvement or non-compliant --  or  -- are followed by an analysis that explains the finding.

### Recommendations, Action Plan & Compliance Statement

---

The Fairness Commissioner makes recommendations based on a consideration of the issues of non-compliance and areas that show opportunity for improvement. These are identified and explained in the 'Fairness Standard and Criteria Document' completed for the regulator.

The action plan, in turn, is drafted by regulators to respond to Fairness Commissioner's recommendations. For each of the Fairness Commissioner's recommendations, regulators reply with a plan to address the concern as well as a timeline for the execution of the plan. Regulators are given opportunity to remark upon any recommendation made by the Fairness Commissioner.

Finally, the Fairness Commissioner's Compliance Statement provides comment on the suitability of the regulator's Action Plan and the overall compliance of the regulator's registration practice.

### OMFC Support

---

Addressing problematic practice can pose considerable challenges for regulators. No remedy may be readily at hand; third-parties may be involved; resources and expertise may be wanting. In these circumstances, the OMFC is committed to working with regulators to support and assist the development of innovative solutions and better practice.

## The Profession of Architecture in Manitoba

Architects offer professional services related to the design and construction of buildings.

In Canada, the profession of architecture is distinguished by the broad knowledge and skills practitioners must master, compared to the more specific and restricted technical skill sets of other professions. Architects are licensed as generalists where practitioners must show competence in the field in the full breadth of professional activities involved in design and building construction.

The profession is international in character in that practice across national boundaries is commonplace.

Shortages of licensed practitioners in Canada led to the identification of architecture as a priority occupation in 2010 under the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications. With funding support from the federal government, the Broadly Experience Foreign Architects Program (BEFA) was developed and is currently being piloted. BEFA provides well-experienced, internationally educated architects (IEAs) a timely, cost-effective path to licensure.

## Overview of MAA's Assessment and Registration Process

The Manitoba Association of Architects (Association or MAA) currently operates under the authority of The Architects Act (C.C.S.M. c. A130) and the Manitoba Building Code (Regulation 31/2011). All persons practicing architecture and using the Professional Architect designation in Manitoba must be registered with the Association. Architectural work can be practiced without registration so far as this work occurs under the supervision of a registered architect and so far as professional and legal responsibility for this work is assumed by a registered architect or architectural firm.

### Qualifications

---

There are two principal qualifications needed for registration as an architect: a professional, five year degree in architecture or its equivalent and extensive professional work experience in a variety of practice areas under the supervision of a registered architect.

### Assessment and Registration Process

---

The Association and other provincial regulators employ a triple 'E' assessment process: *Education, Experience and Examination*. A new, fourth 'E' of *Equivalency*, the Broadly Experienced Foreign Architects program (BEFA), is currently being piloted nationally and allows qualified internationally educated architects (IEAs) a second, alternative route to licensure.

In accordance with the Agreement on Internal Trade, the Association recognizes as qualified applicants registered by other Canadian provincial regulators. U.S. applicants certified by the National Council of Architectural Registration Boards (NCARB) are also recognized.

#### *The Triple E Assessment Process*

##### 1) Education:

An applicant's first step is to submit their academic qualifications to the Canadian Architectural Certification Board (CACB) to be assessed against the Canadian Education Standard.

IEAs with professional degrees, but who are identified as having gaps relative to the Canadian standard are granted provisional certification. IEAs are allowed to proceed with the registration process so long as they commit to completing, within a prescribe period, approved remedial coursework. The Royal Architectural Institute of Canada's (RAIC) Syllabus Program provides applicants with academic gaps with the opportunity to meet standard through online academic courses.

Documentation requirements for the CACB's academic assessment include:

- a completed application;
- an official Transcript of Record, or notarized copy, of all studies relevant to the architecture degree (and certified copies of translated transcripts, if the original is not in French or English);
- notarized copies of degrees or diplomas in the original language and if necessary, a notarized translation;
- course descriptions of the program in architecture (or a translation of course descriptions, if the original is not in French or English);
- an academic portfolio of studio work; and
- for non-American, international academic credentials, an application fee of C\$1,779.75.

Upon completed application, applicants are informed within three months, and in writing, of CACB's assessment results of their academic credentials.

## 2) Experience:

Upon CACB certification or provisional certification, the next step is for the applicant to make application to the MAA for enrolment in the Internship in Architecture Program (Internship Program). The applicant must find a suitable mentor (registered MAA Architect) and suitable employer (where architectural experience can be acquired). Application involves:

- completed application form with \$150 annual Intern Membership fee;
- a photocopy of the degree(s) in architecture (or equivalent);
- evidence of certification or provisional certification of academic qualifications by the CACB;
- a completed Mentor Confirmation Form;
- a completed Employer Confirmation Form.

Interns must complete a minimum of 5,600 hours (around 3 years) of experience and a minimum of 3,720 hours in various mandatory professional activities. IEAs may be credited with experience gained outside Canada if their work was supervised by a registered architect and can be appropriately documented. Significant Canadian or Canadian-like experience will be required to complete the Internship Program.

Experience forms must be signed by the employer and mentor, and are reviewed by the MAA.

## 3) Examination:

Upon full CACB certification of academic qualification and upon completing a specified portion of the Internship Program, the MAA grants the applicant eligibility to challenge either NCARB's Architect Registration Examination (ARE) or the CACB's Examination for Architects in Canada (ExAC). Successful completion of either exam satisfies the MAA's examination requirement and it is up to the discretion of the applicant which exam to challenge.

The ARE exam is an American based, multi-division, electronic exam. It is administered exclusively on computers at a network of testing centres across Canada and the USA. There are no fixed date exam sittings and applicants can challenge one or more divisions of the exam upon a given sitting.

The ARE exam includes a combination of multiple-choice, check-all-that-apply, fill-in-the-blank questions and graphic vignettes. The cost to take each division is USD\$222.60 or \$1,249.50 for all seven divisions. Study material for the ARE is available from the MAA office. Free tutorial software (Exam Guides and ARE Practice Programs) is available on the NCARB website.

Recently developed by provincial regulators, the ExAC exam is a dedicated Canadian national architecture exam. It was first offered in the fall of 2008 and to date, all provincial/territorial associations in Canada, except B.C., have adopted the examination as an alternative to the ARE.

The ExAC is administered once a year each fall, in a paper and pencil format. The ExAC is comprised of four sections and is sat over a period of two consecutive days. The cost to take all four components of the ExAC is \$735. Study materials for the ExAC are available on the CACB's website and from the MAA office.

Partial credit is possible for both the ARE and ExAC exams. Applicants only re-write in those divisions or sections where they fail to meet standard. For applicants that have successfully completed a portion of the ARE exam, the CACB will recognize and credit applicants with the equivalence of certain divisions for similar counterpart sections of the ExAC exam.

### ***The Broadly Experienced Foreign Architects Program (BEFA)***

The BEFA program provides a second, alternative route to licensure for experienced IEAs that can demonstrate at least seven years of architectural work experience (current in the last 10 years). Three steps are involved: preliminary assessment, possibly obtaining Canadian work experience and/or academic training, and a formal application with interview.

- 1) BEFA's preliminary assessment involves the applicant providing evidence of previous registration for at least 10 years and documented examples of work experience/projects that demonstrate evidence of experience equivalent to Canadian standards. Applicants are provided an application package with a portfolio guide, check list, application forms and have access to support from BEFA staff completing their application.

BEFA staff reviews the applicant's preliminary application and informs the applicant about any gaps identified in knowledge or experience. Applicants are also advised about opportunities for academic upgrading and how to go about acquiring Canadian work experience.

- 2) The next step involves the applicant meeting any identified gaps in academic training, professional development or work experience requirements. If the applicant does not possess Canadian or Canadian-like work experience, a minimum of six months Canadian experience will be required. Highly qualified applicants may have no need for gap upgrading of any kind.

- 3) Upon completing any identified gap training, the applicant then makes formal application to the BEFA Committee. An application form and fee together with a personal CV and portfolio are submitted. Applications are independently reviewed by three committee members. If the application is deemed acceptable, applicants are invited to an oral interview. If gaps in qualifications are identified in the application, applicants are advised of shortcomings and possible remedial actions to address them. Applicants can re-apply no more than three times.

Certification by the BEFA program is recognized by all of Canada's architectural licensing authorities.

### ***Final Application to MAA***

Upon completion of the Triple E assessment process or the BEFA program, the final step to registration involves application to the MAA's Council for license to practice architecture in Manitoba. Application involves providing:

- proof of completion of the triple E, Education, Experience and Examination requirements *or* proof of BEFA certification;
- a legal declaration of having knowledge of documents governing the practice of architecture in Manitoba;
- evidence of good character in the form of three reference letters;
- application fee of \$210 plus an annual \$800 registration fee.

### ***Appeal Process***

---

**The Architects Act gives the right to an applicant to appeal to court, when the application for registration is not approved or is granted subject to conditions by the Council. The MAA has no appeal process of its own.**

**The CACB provides pre-appeal and formal appeal opportunities for its assessment of academic qualifications, the ExAC exam and the BEFA program.**

### ***Time and Cost***

---

**The time and cost to register and get license with the MAA will vary depending on the circumstance of the applicant. For well-organized and highly qualified IEAs, the BEFA program could be completed in less than a year. If significant experience or academic upgrading is required, the BEFA program may easily take several years. The Triple E assessment process is more involved -- meeting the academic standard, passing examination and completing the internship program -- and so consequently will be a longer process. In general, for both Canadian and internationally educated applicants alike, meeting the broad and extensive work experience standards for licensure is the principal hurdle to timely registration. Seven years or more as an intern in the field is not uncommon.**

**The direct cost of the application, assessment and registration through Triple E assessment process is approximately \$4,000. There may be a variety of associated costs e.g. translation and notarization of documents, academic coursework, exam re-**

writes, etc. Currently the BEFA piloted program fee is approximately \$4,700 and with the MAA'S application and registration fee, the direct cost for licensure will be just under \$6,000. Associated costs with the BEFA path to registration are fewer but may also involve the costs of academic upgrading.

# Registration Review Findings

## Summary of Findings

---

The Manitoba Association of Architects (MAA or Association) is committed to the fair assessment and recognition of Internationally Educated Architects (IEAs). In a profession where practitioners are called to meet an extensive set of standards in academic training, examination and work experience, the Association employs a well-developed, rigorous assessment process that ensures the integrity of its generalist licensing regime. A variety of dedicated assessment strategies are in place for the assessment of IEAs.

Key findings from the MAA's registration review are listed below. These findings cover the range of fairness issues as defined by the Fairness Standard and Criteria document and roughly follow the order of this document (see pp. 13-27).

### ***A note on Third Parties***

Regulators subject to *The Fair Registration Practices in Regulated Professions Act* (Act) are responsible for the third parties they employ in their assessment and registration process. As part of the registration review, the role of any third party in the assessment and registration process may be evaluated to ensure fair practice. Any recommendation from the Fairness Commissioner that speaks to compliance issues with third party practice is directed to the regulator as responsible for the service it employs.

- The Association's website has a dedicated landing page for Internationally Educated Architects (IEAs) that presents the registration and assessment process in clear, straightforward steps. However, information about qualification requirements is incomplete and few details are provided about policies and criteria involved in the Association's assessment of international work experience. Further, no realistic estimate of the full cost and likely time range of the registration process are provided.
- The Canadian Architectural Certification Board (CACB) provides detailed information about the academic standard, the policies and process involved in the assessment of international academic credentials and its documentation requirements.
- Both CACB's ExAC exam website and NCARB's ARE exam website provide information about the content, format, fees, scheduling and grading of their exams.
- The Association's Executive Director/Registrar meets individually with each applicant, providing one-on-one advice about the assessment process and the internship program. This support is provided throughout the registration process. Orientation sessions are regularly held at the Association.

- A variety of standards documents are present: the “Canadian Educational Standard”, the “Experience Area Description” document, the Association’s Code of Ethics and the recently developed 'outcome-based competency standards' in the form of the "Competency Matrix" of the BEFA program. The education standard has recently been reviewed and revised in January, 2012. These documents lay the foundation for rational regulation and have been articulated in a manner that supports the academic assessment, the national exam, the internship program and the BEFA program.
- English or French language proficiency is not a registration requirement. No proficiency levels are identified for either the assessment process or professional practice. We note the nature of the assessment process -- EEE or BEFA -- as well as professional practice likely will require a fairly high degree of English or French language proficiency.
- International educational credentials are assessed and recognized against a well-defined Canadian standard. The academic standard is defined in a manner that supports more accommodating equivalence assessments (as opposed to simpler identity assessments). The Royal Architectural Institute of Canada (RAIC) Syllabus Program supports applicants with academic gaps with the opportunity to meet standard through approved remedial coursework.
- For the CACB, alternative documentation is restricted to the consideration of university calendars. CACB academic assessment result letters do not provide sufficient explanation for unfavorable assessments.
- The MAA has taken several measures to ensure the integrity of the Internship Program: an “Internship in Architecture Program” manual outlines and explains the internship process for applicants. A “Guidelines for Mentors and Employers” document defines the roles and responsibilities of employers and mentors, and the “Experience Area Description” document defines required practice activities with specific assessment criteria. Transparent evaluations are provided for internship assessments and documented in a candidate’s “Canadian Experience Record Book.”
- International work experience is recognized and credited toward meeting the requirements of the internship program. Canadian or Canadian-like experience is required.
- CACB’s ExAC exam and NCARB’s ARE exam are subject to extensive psychometric review and scrutiny. Results for both exams are broken down into broad subject matter areas that support future remedial study.
- Partial Credit is available for the major sections of both the CACB’s ExAC exam and the NCARB’s ARE exam: applicants only have to re-write exam sections where they failed to meet standard. Applicants that have been

successful on specified sections of the ARE exam may be recognized by the CACB and have sections of the ExAC exam waived.

- BEFA or Broadly Experience Foreign Architects program is currently being piloted in several jurisdictions across Canada, including Manitoba. BEFA is a shorter, less costly, alternative route to licensure that allows IEAs with at least seven years of experience to demonstrate their qualifications through a prior learning assessment, a shortened internship program and interview. Several measures have been taken to support reliable and valid BEFA assessments, including the development of a dedicated Competency Matrix standards document.
- IEAs have opportunity to appeal CACB's assessment of academic qualifications, ExAC exam results, and with some restrictions, ARE exam results. BEFA assessment results will also be subject to appeal, although appeal policies are still yet to be fully determined.
- Appeal information is comprehensive and clearly presented on CACB's website, but no appeal information accompanies assessment result letters.
- No appeal opportunity is available for any of the MAA's registration decisions that deny registration or subject it to condition. The MAA is currently considering amending its legislation to allow appeal from its registration decisions.
- Both the MAA and the CACB are not-for-profit organizations. Fees are based on cost recovery. Fees for the BEFA program are also based on cost-recovery and are gathered in 3 phases so that applicants only have to cover the phase of the program as they engage it.
- The assessment and registration process is structured to support timeliness and efficient application: application can be initiated abroad; provisional certification is possible for applicants that largely meet the academic standard, allowing applicants to begin their internships while they seek remedial coursework; the ExAC exam is written midway through an applicant's internship, eliminating a potential delay in registration upon completing the internship program.
- Due to the broad academic standard, extensive internship requirement and multiple assessments, the registration and assessment process as a whole ranges markedly and can be lengthy. Several years to ten years or more, depending on the circumstances of the applicant.

## Commendable Practices

---

A number of the MAA's assessment and registration practices deserve to be recognized as exemplary, fair practices. Most of these will have already been described above or in other areas of this report, but the most significant bear repeating.

- The MAA provides strong support to its applicants by way of one-on-one advice and consultation about the registration process and the Internship Program. This support ensures applicants are well-informed about the process and helps them better navigate it. Particularly useful for IEAs is the advice provided about Manitoba employers, mentors, securing and completing internships.
- All of the key assessments in the triple 'E' registration process – education, examination and experience – are supported by well-defined standards documents and strong assessment policies and procedures.
- CACB's ExAC exam and NCARB's ARE exam both permit partial credit, so that applicants are only required to re-write sections of the exam where they failed to meet standard. CACB recognizes equivalencies with sections of NCARB's ARE exam allowing applicants to have sections of the ExAC exam waived.
- The Broadly Experience Foreign Architects program (BEFA) is a milestone in progressive regulation and a commendable achievement for Canada's architectural authorities. A more relevant, more timely and cost effective assessment and registration process for IEAs.

To use an architect's metaphor, BEFA is a well-designed assessment strategy: the Competency Matrix lays critical foundation for practice standards; transparent self-assessment and prior learning assessment policies and procedures build meaningful, mid-career assessment; flexible and supportive remedial responses open doors for gaps to be addressed. The result is that qualified IEAs are given opportunity to provide evidence of what they have achieved professionally, a plan of action to meet any gaps and recognition if judged equivalent to a competent Canadian Architect.

- Judy Pestrak, MAA's Executive Director, is a champion of fair registration practices. Judy has been an outspoken advocate for fair practice at the national level on a variety of issues and is the driving force behind the flexibility and support encountered by Manitoba applicants.

## Fairness Standard & Criteria Document – MAA Review Findings

<b>Standard: Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.</b>					
Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	1. Qualification requirements and the criteria used to assess qualifications.		v		<p>Qualification requirements – academic training, internship, examination and the equivalence requirements of the BEFA option are for the most part clear and comprehensive.</p> <p>Some aspects about the information provided about qualification requirements are less than ideal. Qualification requirements and criteria are not fully specified on the MAA's website. Two concerns are identified below.</p> <ol style="list-style-type: none"> <li>1) The MAA's "Requirements for Foreign Architects" page presents a helpful overview of the education, experience and examination requirements, but is incomplete. The possibility of further or additional, local requirements is mentioned. Applicants are advised to contact their provincial regulator; nothing further is said. Additional requirements differ by province, but in Manitoba, the MAA requires a sworn declaration that the applicant has reviewed and is familiar with the Architects Act and By-Laws, Code of Ethics, Builders Lien legislation and the Manitoba Building Code. The MAA also requires interns to comply with the same continuing education requirements as registered members. These requirements are not stated anywhere in the MAA's registration material. Applicants are advised of this informally when they meet with the registrar. The "Requirements for Foreign Architects" web page was originally prepared for use nationally and needs to be updated to include the aforementioned province-specific qualification requirements.</li> </ol>

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
					<p>2) Experience or Internship Requirement -- the work experience qualification is outlined in the MAA's "Experience Area Description" document which identifies and defines various practice activities required, as well as their extent. The "Requirements for Foreign Architects" page of MAA's website states that "experience gained outside Canada may be submitted for consideration" and that "there may be a minimum amount of experience to be gained in the province prior to licensure or registration", but nothing further is said. The internship manual clearly indicates international work experience will be considered, provided the work was supervised by a licensed architect and can be documented as such. The OMFC's understanding is that the MAA does in fact require that a certain amount and type of experience be logged in Canada or the U.S., but has no specific criteria or threshold. Aspects of work experience that touch on areas of expertise that are universal in character – e.g., technical design skills – can be recognized in a broad variety of international contexts. Canadian-specific aspects of practice – e.g., building codes, practitioner's role – will require Canadian-like experience. This information needs to be presented in MAA's registration material.</p> <p>We note the executive director/registrar personally meets with all of the MAA's applicants, providing information sessions and support throughout the registration process. Many of the concerns raised in this report over the quality of the MAA's publicly available registration information are to some extent mitigated by this support.</p>

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	2. Documentation requirements.	✓			
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	3. Fees and fee payment options.		✓		Fees and fee payment options are identified for the various stages in the registration process. The MAA's "For Foreign Applicants Outside Canada and USA Obtaining an Architectural License in Canada" page needs to be updated as some of the fees are no longer correct.
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	4. A realistic sense and range of the full costs involved in the process, including common associated costs.		✓		Although fees and fee payment options are identified for the various stages in the registration process, they are identified in various places in the registration material and not located in a way that would support easy navigation and planning. Applicants must visit a variety of websites to puzzle it all together. The MAA's "For Foreign Applicants Outside Canada and USA Obtaining an Architectural License in Canada" page provides most comprehensive, whole-picture account but is incomplete and some of the fees listed are outdated. No information is provided about common associated costs or about the likely total cost-range of registration.
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	5. Financial support opportunities.		✓		No information is provided on the MAA website about financial support opportunities. Informally, through information sessions with applicants, information is provided about Manitoba's Credential Recognition Program.
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	6. Timelines and key dates.	✓			

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	7. A realistic sense and time range of how long the entire process often takes.		✓		General information is shared about the potential time range involved through the MAA's information sessions and one-on-one contact with applicants. No information is provided in the online registration information.
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	8. Step-by-step, easy-to-navigate path of the registration process.		✓		The MAA's "For Foreign Applicants Outside Canada and USA Obtaining an Architectural License in Canada" page describes the principal requirements of its triple E assessment and the steps in the process to meet each requirement. This is the sole organic, big-picture account of the assessment and registration process for IEAs on the MAA's website. While this is a good start, it remains insufficient: critical information is missing, some of the information is out of date and there needs to be better links to third-party websites. Information about the new BEFA program needs to be introduced. Given the complexity of the assessment and registration process for architects, a better-organized, more complete information package is needed.
1. Applicants are provided clear, complete and accurate information about assessment and registration process.	9. Information provided about opportunities for general and occupation-specific upgrading.	✓			
2. Standards of practice are identified and periodically reviewed.		✓			
3. Required qualifications are relevant and necessary for competent professional practice.		✓			

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
4. Documentation requirements are reasonable. Alternative documentation opportunities are available and explained to applicants	1. Difficult-to-provide documents – e.g. originals, syllabus – are warranted.	✓			
4. Documentation requirements are reasonable. Alternative documentation opportunities are available and explained to applicants	2. Alternative documentation opportunities are available and clearly explained.		✓		<p>Documentation requirements for CACB's assessment of academic qualification is extensive and may pose a challenge for some applicants: university transcripts, degrees, university calendar (meeting a variety of specified criteria) and if applicable French or English translations. All of this documentation needs to be certified. A list and description of academic design projects is required (no certification necessary); a portfolio of academic design is recommended.</p> <p>The CACB makes clear that it assesses international academic credentials for their 'equivalence' and not 'identity' to the Canadian Education Standard so as to "accommodate the varied background and circumstances of applicants". This equivalency policy allows for the recognition of related and unusual credential combinations but is restricted to the consideration of university credentials. Academic qualifications evident in work experience are not considered. We note that the prior learning assessment strategy and tools developed for BEFA may be well suited for this application.</p> <p>The CACB reports alternative documentation is only considered with respect to the provision of a certified university calendar. We note the CACB reports that in some cases they may have the required academic calendar in their database (collected from previous applications) which they can use if the applicant cannot supply it. It could be a real benefit to applicants if all of the calendars currently held in the CACB's database were made available on the CACB website and that applicants whose academic programs are covered by one of these calendars would not be required to supply this documentation.</p>

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
4. Documentation requirements are reasonable. Alternative documentation opportunities are available and explained to applicants	3. Criminal records policy is warranted and clearly explained.	✓			
5. Any third party assessments in the registration process are transparent, objective, impartial and fair.	1. Applicants are provided clear, complete and accurate information about the role of third party assessments in the registration process.	✓			
5. Any third party assessments in the registration process are transparent, objective, impartial and fair.	2. Measures are in place to ensure third party assessment policy and practice is fair.	✓			
5. Any third party assessments in the registration process are transparent, objective, impartial and fair.	3. Third party assessment decisions are subject to appeal.		✓		<p>With regard to the triple 'E' process, CACB's assessment of academic qualification is subject to appeal and includes a pre-appeal process as well. The appeal process is well explained in their "Canadian Education Standard" document. An appeal process in place for the CACB's ExAC exam that involves both re-marking/re-scoring opportunity and a broader appeal process at the ExAC committee level. Appeal information is provided in ExAC's Preparation Guide. With respect to the BEFA process, the MAA reports appeal policies are still under consideration: there will be a pre-appeal process and full appeal may be restricted to written submissions or a more formal, oral hearing.</p> <p>Although clear appeal information is provided for all of these third party assessments, this appeal information does not accompany the applicants written, assessment result letters.</p>

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
6. Assessment of qualifications is transparent, objective, impartial and fair.	1. Valid and reliable methods of assessment are employed for internationally educated applicants.	✓			
6. Assessment of qualifications is transparent, objective, impartial and fair.	2. Assessment methods and tools are subject to psychometric scrutiny and cultural review.	✓			
6. Assessment of qualifications is transparent, objective, impartial and fair.	3. Multiple assessment methods are available. Applicants have the opportunity to demonstrate competence.	✓			
6. Assessment of qualifications is transparent, objective, impartial and fair.	4. Knowledge and skills acquired through work experience are assessed, including international work experience.	✓			
6. Assessment of qualifications is transparent, objective, impartial and fair.	5. International educational credentials are subject to a reasonable, valid equivalency assessment: reasonable measure has been taken to acquire an informed understanding of the content of international educational programs and their equivalence to Canadian programs.	✓			

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
6. Assessment of qualifications is transparent, objective, impartial and fair.	6. The regulator has objective standards and criteria to assess knowledge and competencies acquired through work experience.	✓			
7. Staffs responsible for assessment, appeals and working with internationally educated applicants received appropriate training and possess relevant expertise	1. Training for the assessment of academic qualifications.	✓			
7. Staffs responsible for assessment, appeals and working with internationally educated applicants received appropriate training and possess relevant expertise	2. Training for the assessment of work experience	✓			
7. Staffs responsible for assessment, appeals and working with internationally educated applicants received appropriate training and possess relevant expertise	3. Appeal training		✓		The CACB has not provided any formal appeal training for its board of directors responsible for hearing appeals for academic assessments and the BEFA program. We note that the CACB reports that to date, no decision has been formally appealed.

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
7. Staffs responsible for assessment, appeals and working with internationally educated applicants received appropriate training and possess relevant expertise	4. Cross-cultural training.	✓			
8. English and French language proficiency requirements for registration and professional practice are reasonable.	1. French or English language proficiency levels are identified and based on the language demands of the profession.				There is no English or French language proficiency requirement to register with the MAA.
8. English and French language proficiency requirements for registration and professional practice are reasonable.	2. Level of language proficiency identified at key points in the registration process – e.g., entry to practice vs. application or entry to gap training.		✓		No proficiency levels are identified for either professional practice or the assessment process. We note the nature of the assessment process --EEE or BEFA -- as well as professional practice likely will require a fairly high degree of English or French language proficiency. The MAA reports few IEAs have had issues with language proficiency. We note the diverse range of roles for architects will make benchmarking the profession a significant challenge. Although not yet official, the need of a reasonable degree of proficiency is identified in the BEFA information package. Information and guidance about the language demands of the profession and assessment process should be presented in the MAA's information package for IEAs.
8. English and French language proficiency requirements for registration and professional practice are reasonable.	3. The identification of the nature and type of communicative demands for professional practice and the assessment process				See comments above.

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
8. English and French language proficiency requirements for registration and professional practice are reasonable.	4. The appropriate use of language proficiency tests, expiration dating and test-scores.				Not applicable. See comments above.
8. English and French language proficiency requirements for registration and professional practice are reasonable.	5. A variety of English language test are recognized				Not applicable. See comments above.

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
9. Assessment and registration process is relationally fair.	1. Written reasons accompany assessment results.		✓		<p>With regard to the CACB's assessment of academic qualifications, two sample letters were supplied. Of these two letters, only one provided reason or explanation that the applicant's academic qualifications were insufficient. The letter with reason explained that the applicant's academic training, a diploma, was not a professional degree that could lead to professional practice in Canada. The other granted the applicant 'provisional status', a form of partial recognition, and identified the number of courses and subject area that needed to be completed for full certification. In this letter, no explanation was provided for the result: for example, that the applicant's academic training lacked this area or that the academic training may have appeared to provide this subject matter, but for whatever reason is sufficiently distinct as to be judged not met or perhaps that it appears met but cannot be confirmed.</p> <p>CACB has also provided two sample letters denying eligibility for the BEFA program. Reasons explaining the deficiencies in the applicant's application again are not identified. The MAA reports that in the BEFA application process, applicants receive detailed feedback about gaps in their qualifications orally by BEFA's assessment committee immediately after their application interview.</p> <p>NCARB's ARE exam results are reported as a pass or fail with limited diagnostic information provided for each failed division. CACB's ExAC exam results inform the applicant of a pass or fail for each division and also include brief feedback on which general objectives he or she needs to focus for remedial study.</p> <p>All of these letters presented the assessment result, the implication of the result for the assessment process and the next steps involved to pursue registration -- all important elements of a fair and helpful assessment letter. None of these letters mentions the possibility of appeal.</p>
9. Assessment and registration process is relationally fair.	2. Detailed feedback is provided about qualification gaps.	✓			

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
9. Assessment and registration process is relationally fair.	3. Applicants have the opportunity to discuss assessment and registration decisions of concern.	✓			
9. Assessment and registration process is relationally fair.	4. Applicants without appropriate qualifications receive advice and information about alternative careers.	✓			The MAA reports that in its information sessions with applicants it is explained what is possible in terms of working in the field of architecture without registration. The MAA notes that "contrary to most professional legislation, in accordance with the provisions of The Architects Act, ANY individual (regardless of what credentials they may or may not hold) can legally perform most of the activities that fall within the restricted scope of practice for the profession, provided they are doing so under the direction and control of a registered architect and with the blessing of their employer, who is accepting professional responsibility and liability for their actions". Architecture is a profession where alternative careers are available for those who possess some architectural skill set.
10. Registration process allows for different levels of recognition.	1. Opportunity for restricted or conditional license and supervised practice.	✓			
10. Registration process allows for different levels of recognition.	2. Re-assessment only required in areas where competence has not been demonstrated.	✓			
10. Registration process allows for different levels of recognition.	3. Time-frames for re-assessment are consistent with currency of practice standards.	✓			

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
11. A fair appeal or review process is available.	1. All assessment and registration decisions that deny or condition registration are subject to appeal		✓		The MAA does not have an appeal process for registration decisions. The MAA is currently considering amendments to The Architects Act to establish an appeal process. The Architects Act stipulates applicants can appeal MAA council decisions that refuse registration or subject it to condition to the Court of Queen's Bench.
11. A fair appeal or review process is available.	2. Appeal or review committee members are independent from those responsible for the original decision		✓		There is no appeal process. See comments above.
11. A fair appeal or review process is available.	3. Timely hearings and appeal decisions		✓		There is no appeal process. See comments above.
11. A fair appeal or review process is available.	4. Detailed, written reasons are provided to appellants for unfavorable decisions.		✓		There is no appeal process. See comments above.
11. A fair appeal or review process is available.	5. Applicants are advised of their right to appeal.		✓		There is no appeal process. See comments above.
11. A fair appeal or review process is available.	6. Appeal information accompanies any assessment and registration decision subject to appeal.		✓		There is no appeal process. See comments above.

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
12. Legal exceptions notwithstanding, applicants have full and timely access to their assessment results and records associated with registration.	1. There is a process under which requests for records are considered. Fees for access to records are reasonable and do not exceed cost recovery.	✓			
12. Legal exceptions notwithstanding, applicants have full and timely access to their assessment results and records associated with registration.	2. Applicants are informed of their access to records and the process for requesting records.		✓		The MAA has an informal, no-fee process. Applicants have access to records upon request. No information is provided in the registration material about access to records.
13. Fees involved in the assessment and registration process are reasonable.	1. Fees do not exceed cost recovery.	✓			
14. Assessment and registration process is timely.	1. Reasonable measure is taken to ensure the prompt processing of applications and assessments.	✓			
14. Assessment and registration process is timely.	2. Communication with applicants is timely and systematic.	✓			

**Standard:** *Dedicated and fair practices are in place for the assessment and registration of internationally educated applicants. Policies and procedures are documented, consistently followed and periodically reviewed to ensure effectiveness.*

Elements	Criteria	Assessment			Office of the Manitoba Fairness Commissioner's Findings
		Compliant	Improvement Needs	Non-compliant	
14. Assessment and registration process is timely.	3. Assessment and registration process is structured efficiently and minimizes unnecessary delays.	✓			<p>A variety of measures are in place to ensure the triple E assessment process is timely and structured to avoid unnecessary delays. Provisional certification for academic qualification and partial credit on the national exam to mention to important examples. The BEFA program was designed with the expressed goal of a timely, cost-effective registration path for highly qualified, mid-career architects.</p> <p>Currently the ExAC exam is only offered once a year. This means that applicant's who need to re-write the exam or sections of it, face an extended period before they are given opportunity to pass the exam. As the internship program is structured in such a way as to have applicants write the exam midway through the program, it may well be that applicants will not be delayed if they require a re-write. We also note the high success rates for IEAs on the ExAC exam to date means that few will require a re-write. Still it makes sense to monitor this situation for IEAs. If IEAs are completing their internships and experiencing significant delays as a result of the one year wait for a re-write, then consideration should be given to offering the exam more frequently.</p>

## Fairness Commissioner's Recommendations

As a result of the OMFC's registration review of the Manitoba Association of Architects and to ensure compliance to *The Fair Registration Practices in Regulated Professions Act*, the Fairness Commissioner recommends:

1. With regard to the MAA's assessment and registration information:
  - a. *That* the MAA make clear all of its registration requirements, including any Manitoba-specific requirements;
  - b. *That* the MAA provide more detailed, complete information about the policies surrounding the recognition of international work experience;
  - c. *That* the MAA update its fee information and introduce information about associated costs and a realistic estimate of the full cost and time range for the entire registration process;
  - d. *That* the MAA updates its "For Foreign Applicants Outside Canada and USA Obtaining An Architectural License in Canada" webpage, providing information about:
    - i. The new BEFA program and its relationship to the triple E assessment process;
    - ii. The support the MAA provides applicants by way of information sessions and internship guidance;
    - iii. The possibility of unregistered practice and links to MAA's employment resources page;
    - iv. The language proficiency demands of the profession and the assessment process as well as available resources for language upgrading;
    - v. Available financial support opportunities.
  - e. *That* the MAA provide information about an applicant's access to records and the procedure whereby records are accessed.
2. The MAA contact the CACB and request:
  - a. *That* a broader alternative documentation policy, beyond certified university calendars, be implemented that allows consideration of alternative documentation for any of the CACB's documentation requirements for applicants who cannot obtain, with good reason, required documents;

- b. *That* the possibility of alternative documentation be made clear in the CACB's certification information;
  - c. *That* the CACB make available its database of certified university calendars and not require applicants to supply this documentation if it is already present in the CACB's database;
  - d. *That* the CACB avail itself of BEFA's newly developed prior learning assessment tools and allow consideration for elements of academic qualification evident in an applicant's work history;
  - e. *That* the CACB provide appeal training for its board of directors responsible for hearing appeals of academic qualification and BEFA assessments;
  - f. *That* CACB assessment result letters for academic qualifications and the ExAC exam results include information about appeal policies and process;
  - g. *That* CACB's academic qualification result letters that identify gaps in qualifications make clear the reasons for its assessment.
3. *That* the MAA establish an appeals process for any of its registration decisions that deny registration or subject it to condition. This would include: contested internship decisions, experience review decisions, contested good character decisions and any other registration decision that results in the denial or conditioning of registration;

Further, an appeal process be implemented such *that*:

- a. A pre-appeal process is in place to allow applicants an informal, first-step opportunity to be heard;
- b. Appeal committee members are independent of the MAA's original decision makers;
- c. Appeal committee members are trained in conducting appeals;
- d. Appeal process provides timely hearings and appeal decisions;
- e. Detailed, written reasons are provided for unfavorable appeal decisions;
- f. Appeal information accompanies any assessment decision subject to appeal.

## MAA's Action Plan

In response to the Fairness Commissioner's Recommendations, the Manitoba Association of Architects proposed the following action plan as of June 2012. The plan is reprinted in its entirety under the 'MAA's Action Plan' column in the table below.

The MAA's Action Plan will form the basis of its relationship with the OMFC moving forward. The plan is monitored by the OMFC and will be tracked in the 'Completion Date' box of the Action Plan template as they come to fruition. As the report will be available online, this allows any interested party to see the progress to date.

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>1. With regard to the MAA's assessment and registration information:</p> <p>a. <i>That</i> the MAA make clear all of its registration requirements, including any Manitoba-specific requirements;</p> <p>b. <i>That</i> the MAA provide more detailed, complete information about the policies surrounding the recognition of international work experience;</p>	<p>a. The MAA clearly demonstrated compliance in this area, in its submission to the OMFC.</p> <p>The MAA is however prepared to provide additional clarity, by amending the national document entitled "Foreign Applicants Outside Canada and USA Obtaining an Architectural Licence in Canada" which appears on its website.</p> <p>b. The MAA clearly demonstrated compliance in this area, in its submissions to the OMFC.</p> <p>The MAA is however prepared to provide additional clarity, by amending the national document entitled "Foreign Applicants Outside Canada and USA Obtaining an Architectural Licence in Canada" which appears on its website.</p>	<p>✓</p> <p>✓</p>			

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>c. <i>That</i> the MAA update its fee information and introduce information about associated costs and a realistic estimate of the full cost and time range for the entire registration process;</p>	<p>c. The MAA clearly demonstrated compliance in this area, in its submissions to the OMFC.</p> <p>The MAA is however prepared to provide additional clarity, by amending the national document entitled "Foreign Applicants Outside Canada and USA Obtaining an Architectural Licence in Canada" which appears on its website.</p>	<p>✓</p>			
<p>d. <i>That</i> the MAA update its "For Foreign Applicants Outside Canada and USA Obtaining An Architectural License in Canada" webpage, providing information about:</p> <p>i. The new BEFA program and its relationship to the triple E assessment process;</p>	<p>i. The MAA will update the document, once the BEFA Program has been officially launched.</p>		<p>✓</p>		

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>ii. The support the MAA provides applicants by way of information sessions and internship guidance;</p> <p>iii. The possibility of unregistered practice and links to MAA's employment resources page;</p> <p>iv. The language proficiency demands of the profession and the assessment process as well as available resources for language upgrading;</p>	<p>ii. The MAA clearly demonstrated compliance in this area, in its submissions to the OMFC.</p> <p>The MAA is however prepared to provide clarity, by amending the national document entitled "Foreign Applicants Outside Canada and USA Obtaining an Architectural Licence in Canada" which appears on its website.</p> <p>iii. A recommendation to clarify "unregistered practice opportunities" is unacceptable. The MAA is a licensing body for registered professionals.</p> <p>iv. The MAA clearly demonstrated, in its submissions to the OMFC, that there are no proficiency demands for the assessment process.</p> <p>From an employment perspective, demands will vary, based on the projects and tasks.</p>	<p>✓</p>			

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
v. Available financial support opportunities.	<p>v. The MAA clearly demonstrated compliance in this area, in its submissions to the OMFC.</p> <p>The MAA is however prepared to provide additional clarity, by including a link to the government's website, in the national document entitled "Foreign Applicants Outside Canada and USA Obtaining an Architectural Licence in Canada" which appears on its website.</p>	✓			
e. That the MAA provide information about an applicant's access to records and the procedure whereby records are accessed.	<p>The process is not yet formalized.</p> <p>The MAA will document a formal process and make information available.</p>		✓		
<b>Regulator's Comments:</b>					

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>2. The MAA contact the CACB and request:</p> <p>a. <i>That</i> a broader alternative documentation policy, beyond certified university calendars, be implemented that allows consideration of alternative documentation for any of the CACB's documentation requirements for applicants who cannot obtain, with good reason, required documents;</p>	<p>a. The MAA adequately demonstrated, in its submissions to the OMFC, that the requirements are clearly set out and fair for all.</p>				
<p>b. <i>That</i> the possibility of alternative documentation be made clear in the CACB's certification information;</p>	<p>b. The MAA clearly demonstrated compliance in this area, in its submissions to the OMFC.</p>				

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>c. <i>That</i> the CACB make available its database of certified university calendars and not require applicants to supply this documentation if it is already present in the CACB's database;</p> <p>d. <i>That</i> the CACB avail itself of BEFA's newly developed prior learning assessment tools and allow consideration for elements of academic qualification evident in an applicant's work history;</p> <p>e. <i>That</i> the CACB provide appeal training for its board of directors responsible for hearing appeals of academic qualification and BEFA assessments;</p>	<p>c. The MAA clearly demonstrated, in its submissions to the OMFC, that applicants need not supply documentation which is already on file and development of a database is already underway.</p> <p>d. The MAA clearly demonstrated, in its submissions to the OMFC, that the current mandate of the CACB is appropriate.</p> <p>The CACB is not a regulatory body for the profession.</p> <p>e. The MAA will forward this recommendation to the CACB.</p>			<p>✓</p> <p>✓</p>	

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>f. That CACB assessment result letters for academic qualifications and the ExAC exam results include information about appeal policies and process;</p> <p>g. That CACB's academic qualification result letters that identify gaps in qualifications make clear the reasons for its assessment.</p>	<p>f. The MAA will forward this recommendation to the CACB.</p> <p>g. The MAA will forward this recommendation to the CACB.</p>	<p>✓</p> <p>✓</p>			
<p><b>Regulator's Comments:</b></p>					

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>3. That the MAA establish an appeals process for any of its registration decisions that deny registration or subject it to condition. This would include: contested internship decisions, experience review decisions, contested good character decisions and any other registration decision that results in the denial or conditioning of registration;</p> <p>Further, an appeal process be implemented such <i>that</i>:</p> <p>a. A pre-appeal process is in place to allow applicants an informal, first-step opportunity to be heard;</p> <p>b. Appeal committee members are independent of the MAA's original decision makers;</p> <p>c. Appeal committee members are trained in conducting appeals;</p>	<p>3. An appeal process for registration decisions is clearly established within <i>The Architects Act</i>. An additional internal process is not yet formalized.</p> <p>The MAA will document a formal internal process and make information available.</p> <p>a. This will be considered when the formalized internal process is documented.</p> <p>b. This will of course be incorporated into the formalized internal process that is documented.</p> <p>c. This will be addressed when the formalized internal process is documented.</p>				

OMFC's Recommendation	Planned Action(s)	Short Term Less than 3 months	Medium Term 3 months to 1 year	Long Term 1 year or more	Completion Date
<p>d. Appeal process provides timely hearings and appeal decisions;</p> <p>e. Detailed, written reasons are provided for unfavorable appeal decisions;</p> <p>f. Appeal information accompanies any assessment decision subject to appeal.</p>	<p>d. This will be incorporated into the formalized internal process that is documented.</p> <p>e. This will of course be incorporated into the formalized internal process that is documented.</p> <p>f. This will of course be incorporated into the formalized internal process that is documented.</p>				
<p><b>Regulator's Comments:</b></p>					

## Fairness Commissioner's Statement of Compliance

The Manitoba Association of Architects has committed to addressing most of the recommendations resulting from this review. We trust the Association's commitment to these actions and recognize its dedication to the effective and fair treatment of internationally trained Architects.

As this registration review report is completed, we note the Canadian Architectural Licensing Authorities have just announced the official launch of the Broadly Experienced Foreign Architects Program (BEFA). This milestone program is a remarkable achievement for Canadian architectural authorities. BEFA is a timely example of the profession's commitment to evolving fair practice. Many other aspects of the Association's assessment and registration practice are well-developed and support fair practice: a newly developed national exam, a well implemented internship program and strong personal support to navigate the process.

The Association has not agreed to take action on some of the recommendations addressing the Canadian Architecture Certification Board's documentation policies: the need for a broader alternative documentation policy, a call to consider elements of academic qualification evident in an applicant's work history and a more transparent use of its data-base.

Without appropriate alternative documentation opportunities, applicants for reasons beyond their control can easily be unfairly blocked from consideration. As Manitoba's Fairness Commissioner, I asked that all provincial regulators subject to *The Fair Registration Practices in Regulated Professions Act* implement alternative documentation procedures.

Calling on regulators and their national bodies to recognize qualification evident in an individual's work experience is also fundamental for the reasonable assessment of qualification: assessing mid-career professionals without consideration of relevant knowledge and skills acquired on the job risks inaccurate outcomes.

I truly appreciate the Association's co-operation and openness during the conduct of the registration review. My hope is that moving forward we will continue to communicate, discuss and work collaboratively toward a resolution of these issues.

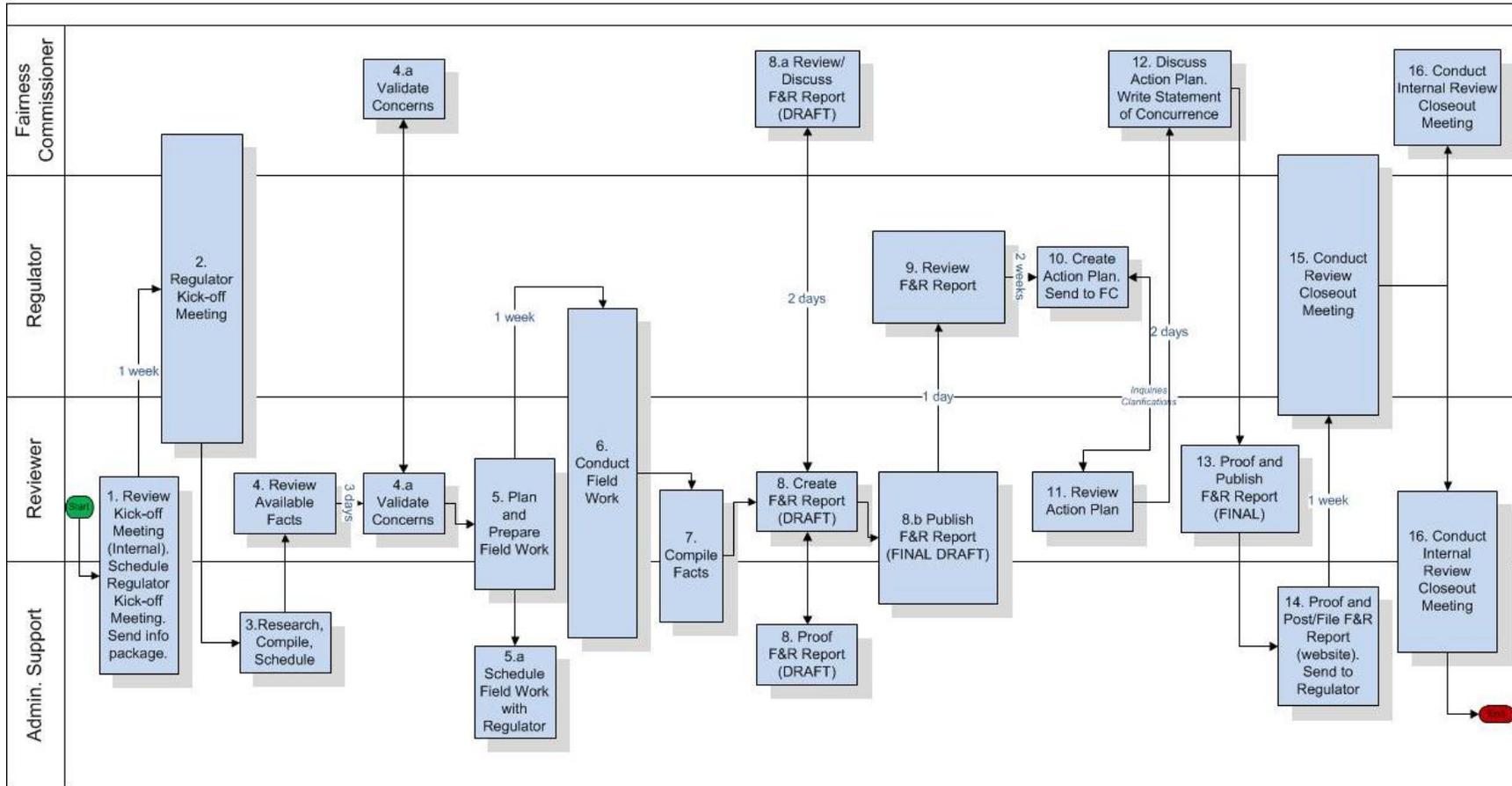


Ximena Munoz

Manitoba Fairness Commissioner

# Appendix A

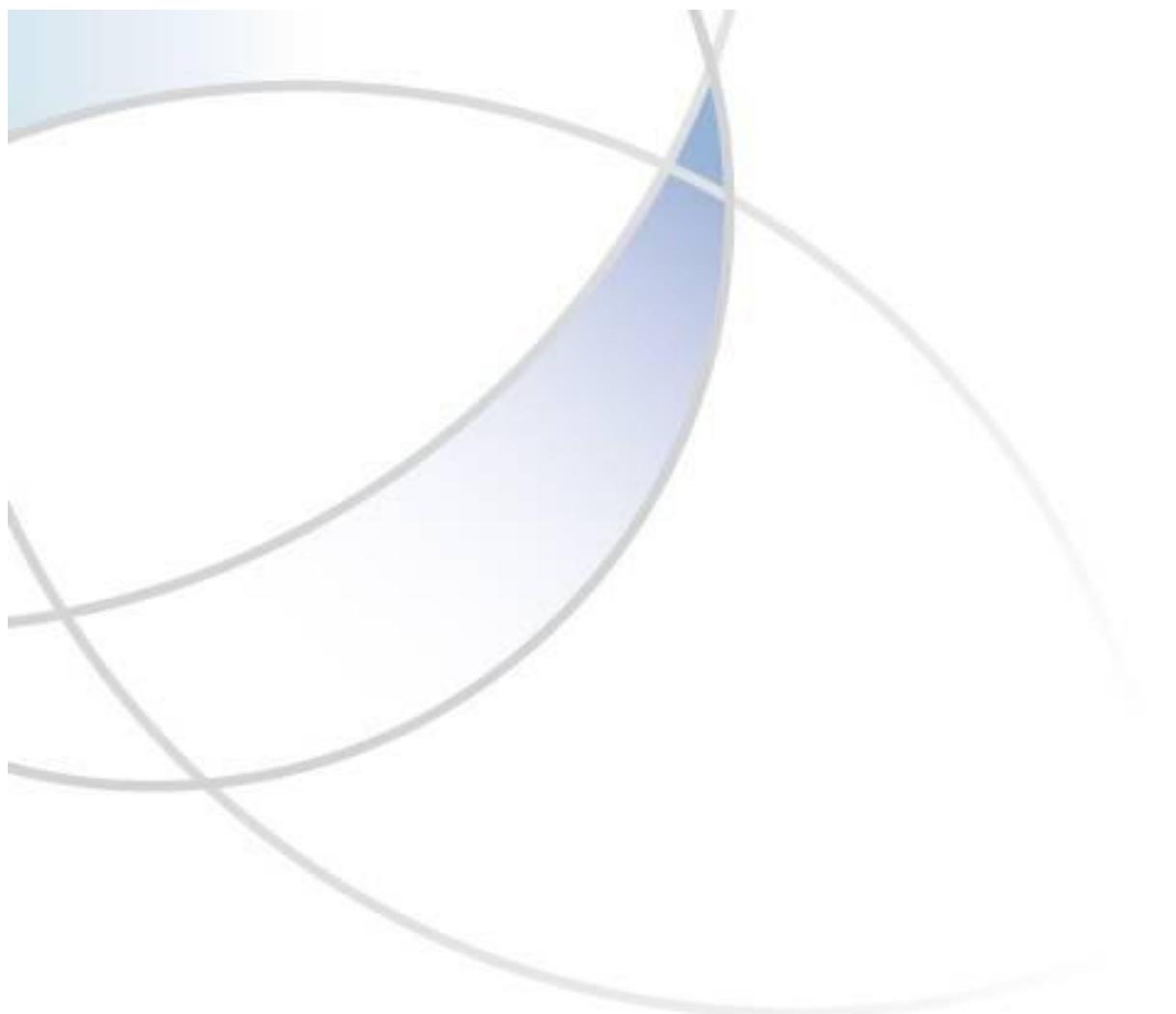
## OFFICE OF THE MANITOBA FAIRNESS COMMISSIONER Registration Review Process



## Appendix B

<b>MAA's Registration Review</b>		
<b>Activity</b>	<b>Description</b>	<b>Date</b>
<b>Block Meeting</b>	<ul style="list-style-type: none"> <li>Meetings between OMFC, MAA and other regulators in the block of reviews for this review period;</li> <li>Registration review process presented;</li> <li>Review schedule set;</li> <li>Nature of required documentation explained and requested.</li> </ul>	<ul style="list-style-type: none"> <li>July 11, 2012</li> </ul>
<b>Kick-Off Meeting</b>	<ul style="list-style-type: none"> <li>Launch of MAA's registration review;</li> <li>Key decisions makers from regulator in attendance;</li> <li>Collect requested documentation;</li> <li>Fieldwork planned.</li> </ul>	<ul style="list-style-type: none"> <li>July 24, 2012</li> </ul>
<b>Fieldwork</b>	<ul style="list-style-type: none"> <li>Collect information otherwise unavailable through public information and policy documents;</li> <li>Clarify information and acquire a more in-depth understanding of policy and practice.</li> </ul>	<ul style="list-style-type: none"> <li>August 16, 2012</li> </ul>
<b>Findings and Recommendations Report</b>	<ul style="list-style-type: none"> <li>MAA receives a report with the review findings, the Fairness Commissioner's recommendations and a request for an Action Plan.</li> </ul>	<ul style="list-style-type: none"> <li>August 23, 2012</li> </ul>
<b>Action Plan</b>	<ul style="list-style-type: none"> <li>MAA's Action Plan submitted to OMFC.</li> </ul>	<ul style="list-style-type: none"> <li>September 13, 2012</li> </ul>
<b>Final Registration Review Report</b>	<ul style="list-style-type: none"> <li>Final report submitted to MAA and uploaded to OMFC's website;</li> <li>Report contains the review findings, the Fairness Commissioner's recommendations, MAA's Action Plan, and the Fairness Commissioner's Compliance Statement</li> </ul>	<ul style="list-style-type: none"> <li>September 25, 2012</li> </ul>
<b>Registration Review Closeout Meeting</b>	<ul style="list-style-type: none"> <li>Discuss review results &amp; Action Plan</li> </ul>	<ul style="list-style-type: none"> <li>October 4, 2012</li> </ul>





OFFICE OF THE MANITOBA  
FAIRNESS COMMISSIONER

301-155 Carlton Street, Winnipeg, MB R3C 3H8

E-mail: [omfc@gov.mb.ca](mailto:omfc@gov.mb.ca)

Tel.: 204.945.7353

Fax : 204.948.4712

[www.manitobafairnesscommissioner.ca](http://www.manitobafairnesscommissioner.ca)