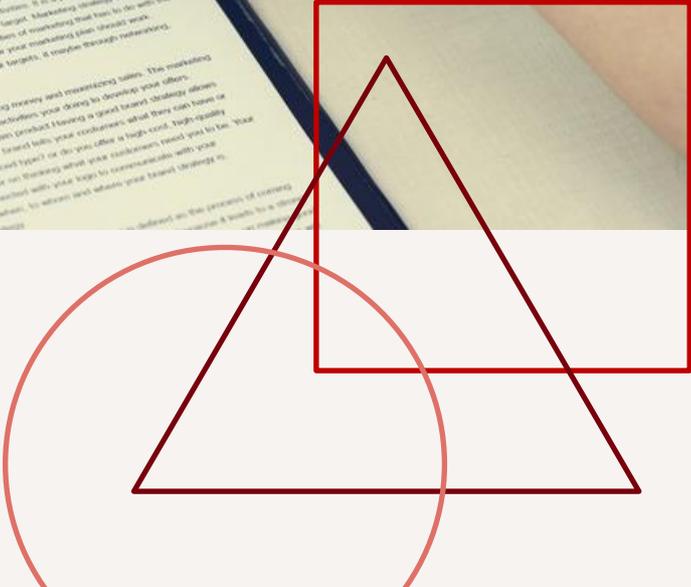




Candidate Regulations



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Introduction

CIArb recognises a general obligation in the conduct of examinations, assignments and assessments to act fairly and transparently, employing objective criteria as the basis of testing knowledge or assessing practical skills and the application of knowledge, but preserves the right of examiners, moderators and assessors to exercise their academic and professional judgment in the evaluation of candidates' work and performance.

These Candidate Regulations define the basis of the registration agreement between CIArb and the candidate. They apply to all CIArb examinations, assignments and assessments including those provided by CIArb Branches and Chapters. They supersede all previous Candidate Regulations.

CIArb may alter these Candidate Regulations at any time. The Candidate Regulations that apply to candidates are those that are in force at the time they register for a course or piece of assessment. Any change in the Candidate Regulations will be published on the CIArb website.

I. CIArb Pathways Programme

- I.1 The CIArb Pathways Programme is an educational framework covering the main disciplines of mediation, domestic arbitration, international arbitration and construction adjudication. It provides a progressive educational ladder starting from the level of newcomer to the field right through to advanced levels.
- I.2 Candidates are required to successfully complete all CIArb modules by passing the respective assessments, assignments, examinations and peer interview to attain the relevant membership grades, unless an exemption has been approved.

2. Exemptions

- 2.1 Candidates who have undertaken an education programme with a CIARB Recognised Course Provider (RCP) may be awarded a specific level of exemption in order for candidates to progress to membership of CIARB.
 - 2.2 Candidates wishing to apply for an RCP exemption must contact the Member Services Department at memberservices@ciarb.org to seek guidance on the documentation to be submitted to support their exemption application.
 - 2.3 Candidates who commenced their studies under the previous Pathway system (Modules I, II, III and IV) will be required to follow the course and assessment structure and regulations in place for the new Pathways programme. Where appropriate exemptions will be given in line with the current exemptions policy.
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3. Registration for Courses

- 3.1 Candidates must register and pay online at www.ciarb.org or complete a registration form and submit the correct fee to register on a CIARB course. Candidates are registered onto the course but will have to register separately and pay for its associated centralised assessment, unless otherwise stipulated.
- 3.2 All candidates accepted for entry onto a CIARB course will be deemed to have accepted these Candidate Regulations.
- 3.3 Candidates are permitted to defer registration for a course to a later date. A maximum of 3 deferrals are permitted
- 3.4 Candidates are permitted to cancel their registration on a course. Cancellation fees will be charged.
- 3.5 CIARB reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors. Candidates will be provided with adequate notice of any change.

4. Registration of Examinations, Assignments and Assessments and Recordings

- 4.1 In some circumstances, candidates can register solely for a CIARB examination, assignment or assessment. Candidates wishing to register solely for an examination, assignment or assessment only must complete a registration form and submit the correct fee to register.
- 4.2 All candidates accepted for entry onto an examination, assignment or assessment will be deemed to have accepted the Candidate Regulations.
- 4.3 Candidates are permitted to transfer registration for an examination, assignment or assessment entry for a maximum of 3 times. Postponement charges will apply.
- 4.4 Unless stated otherwise, candidates will be examined on the law of England and Wales. Candidates will be expected to be aware of a change in the law which has occurred up to six months preceding the examination but will not be examined on its detail.
- 4.5 Candidates will be permitted three attempts at each examination, assignment and assessment. Re-sit charges will apply. Re-sits will only be permitted where a candidate fails to pass an examination, assignment or assessment.
- 4.6 Failure to pass an examination, assignment or assessment on a module after three attempts will result in a candidate having to begin the course of study on that module again from the start of the module.
- 4.7 Candidates who fail to attend an examination, assignment or assessment without reasonable excuse will be marked as absent and it will be counted as a failed attempt. Candidates will be given the opportunity to apply and take the examination or assessment at a later date. Re-sit charges will apply.
- 4.8 Candidates must ensure they clearly write their candidate number on each page of any examination, assignment or assessment completed. Any other identification of the candidate on the assessment papers may invalidate that paper and the assessment may be deemed a fail or treated as a nullity at the discretion of the

Examinations Board.

- 4.9 An examination, assignment or assessment not submitted within the stipulated deadline will be deemed a fail. Candidates will be given the opportunity to apply and take the examination, assignment or assessment at a later date. Re-sit charges will apply.
- 4.10 The first examination, assignment or assessment submission will be deemed the only submission accepted and marked by CI Arb. Any later submissions will not be accepted.
- 4.11 Candidates must adhere to the word limits provided in assignments and assessments. Marks will not be awarded for information provided beyond the stated word limit.
- 4.12 Candidates must answer the required number of questions in an examination, assignment or assessment. Marks will not be awarded to candidates for the additional answers completed.
- 4.13 Some of CI Arb's modules include the use of virtual online classrooms, where video, audio, discussion boards, amongst other things, may be recorded.
- 4.14 Where such recordings occur within any CI Arb's modules, all candidates will be informed in writing as soon as is reasonably practicable before such recordings take place.
- 4.15 Such recordings are deemed to be in the legitimate interests of CI Arb in delivering an effective and engaging educational programme in both the interests of the institution and its candidates. This meets the conditions under Article 6, recital 47 of the General Data Protection Regulation (GDPR), and consent will not be needed to process any personal data in this way.
- 4.16 At the same time as when candidates are informed about recordings, they will also be given the option to opt- out. Should opting-out be accepted under the provisions of the GDPR, the Institute will provide other suitable means to ensure that candidate's education is not disrupted.

- 4.17 Should the recordings include any sensitive personal data, then express written consent (opt-in) will be sought before any such recordings.
- 4.18 Candidates are not permitted to make their own recordings on their own devices either virtually or physically without the express prior consent of CI Arb.
- 4.19 Recordings will be securely held under the Institute's data storage protocols.
- 4.20 Recordings can only be accessed by those enrolled on the module to which those recordings relates.
- 4.21 Under no condition should any recordings be shared, on social media or otherwise.
- 4.22 Individuals have the right to request that recordings be removed or edited. These will be considered by the Director of Education and Training in accordance with the terms of the GDPR. Candidates will have the right of appeal to the Deputy Director General, whose decision will be final. This does not limit the rights of the candidates to enforce any of their rights outside of CI Arb.
- 4.23 All recordings will be permanently deleted after two years. Candidates should permanently delete all recordings they are permitted to hold as soon as they complete the relevant programme of study, such as a full Pathway, to which that recording relates.
- 4.24 CI Arb retains the fully copyright to all recordings generated within its modules and courses. This is subject to fair dealing provisions with regards to other copyrighted material.
- 4.25 For the avoidance of any doubt, these provisions are subject to the GDPR and do not in any way affect the provisions of or rights that candidates have under the GDPR.

5. Re-sits

- 5.1 Candidates wishing to re-sit an examination, assignment or assessment must complete a re-sit form and submit the correct fee.

6. Fees

- 6.1 The relevant fee must be submitted with all registration, centralised assessment, and re-sit forms. Your place on a course or centralised assessment will not be secured until payment is received. Course materials will not be sent to candidates until at least 70% of payment has been received and tutorial attendance will not be permitted and final results will not be released until full payment has been received.
- 6.2 All fees are payable to CI Arb in pounds sterling unless otherwise agreed. Bank charges will be applied where payment is made in other currencies.
- 6.3 VAT is payable on all fees.
- 6.4 Fees will be refunded in accordance with the provisions set out in the Fees Terms and Conditions.

7. Examination centres

- 7.1 If a module requires a candidate to complete an examination, assignment or assessment , then it is assumed that the examination, assignment or assessment will be undertaken at the same place as the training for the module. It is possible to arrange for examination, assignment or assessment to be sat elsewhere, for example, at a CI Arb Branch or a special examination centre. The candidate will be responsible for additional costs. Candidates must inform the Education and Training Department at education@ciarb.org if they wish to change where they sit their examination, assignment or assessment .

8. Conduct of examination

Before the examination

- 8.1 The examination room will be open at least 30 minutes before the start of each

examination.

- 8.2 Candidates should arrive at the examination room at least 15 minutes before the examination is scheduled to commence.
- 8.3 Candidates at examinations held by CIARB headquarters in London, UK, should contact the CIARB Education and Training Department on 020 7421 7439 if an invigilator is not present at the examination centre at least 15 minutes before the commencement of the examination. Candidates at CIARB branches should contact the course director of the course to which the exam relates.

Admission into the examination

- 8.4 Candidates must place all personal belongings such as briefcases, bags, coats, mobile phones and smart watches (all switched off) in an area in the examination room designated by the Invigilator. Candidates are advised not to bring anything valuable to the examination centre as all items are left at your own risk. Candidates must ensure their stationery (pens, pencils, erasers) is stored in a clear case or plastic bag.
- 8.5 Candidates are required to be in their places in the examination room at least fifteen minutes before the commencement of the examination in order to complete and sign an attendance form.
- 8.6 Candidates will not be admitted to the examination room after thirty minutes following the commencement of an examination.
- 8.7 Candidates arriving late will not be permitted extra time.
- 8.8 Candidates must bring some form of photographic identification to the examination.
- 8.9 Candidates will not be permitted to leave the examination room during the first thirty minutes of an examination.
- 8.10 Candidates leaving the examination room early will have their answers collected by an invigilator and will not be re-admitted to the examination room.

- 8.11 No candidate will be allowed to leave the examination room during the last thirty minutes of the examination
- 8.12 A candidate wishing to leave the examination room temporarily must seek the permission of an invigilator before doing so and must be accompanied by an invigilator throughout his or her absence, this includes a break to the toilets.
- 8.13 Smoking and eating is not permitted in the examination room.
- 8.14 Candidates will be permitted to bring bottled water into the examination room.
- 8.15 Candidates will be issued with answer sheets at the start of the examination, and time will be given to complete the front sheet.
- 8.16 Candidates must ensure they clearly write their Candidate Number on the front answer sheet. Any other identification of the candidate on the answer sheet may invalidate that paper and the examination may be deemed a fail or treated as a nullity at the discretion of the Examinations Board.

During the examination

- 8.17 Candidates are not permitted to use electronic devices and laptops for examinations. Basic calculators may be taken into the examination. Laptops may only be used for Module 3 Award Writing and Decision Writing examinations. Candidates must comply with the CI Arb Laptop Protocol and sign the Laptop Indemnity Form (supplied during the course).
- 8.18 Candidates must follow the open and closed book examination policy for the relevant module. Candidates should refer to the course information sheet for guidance.
- 8.19 Examinations will be conducted and supervised by invigilators in accordance with these instructions. Candidates are required to comply with any instructions or directions given by the invigilators.
- 8.20 The invigilator will make the announcements incorporating all of the instructions mentioned in this section (8) to candidates at the start of each examination.

Reading time has been added to all CI Arb examinations. 30 minutes for Module 3 - Award/Decision Writing and 10 minutes for all other modules. Candidates are not allowed to make notes on the examination paper during the reading time or begin writing answering the questions/ writing their Award. However, candidates may highlight, underline or mark sections of the question paper.

- 8.21 Candidates must write legibly, using black or blue pen. Correction fluid should not be used in the examination. Illegible scripts will be invalidated and deemed a fail.
- 8.22 Answers to each new question must be started on a fresh page.
- 8.23 Any rough work must be written on the answer sheets. Unless a candidate clearly strikes through the rough work, this may be assessed as part of your answer.
- 8.24 Candidates may not communicate with, receive assistance from, or attempt to copy from the script of any other candidate. A breach of any part of these regulations may result in failure of the current examination.
- 8.25 An invigilator suspecting any unfair practice on the part of any candidate will, after informing the candidate of the suspicion, report the same to the Education and Training Department for consideration by the Examinations Board. The invigilator will not prevent the candidate from continuing with the examination unless the candidate's conduct also constitutes an annoyance or distraction to other candidates. Any unauthorised materials being used by a candidate will be removed and may be referred to the Examinations Board if deemed appropriate.

At the end of the examination

- 8.26 Candidates must cease writing immediately after the invigilator announces the examination is over.
- 8.27 Answer sheets should be firmly attached together using treasury tags supplied for this purpose. Any paper not used should be left on the desk for the invigilators to collect after the examinations.

- 8.28 Candidates must stay seated at their desks until the invigilator collects all the examination materials and scripts.
- 8.29 For security reasons and owing to the international nature of the examinations, candidates are not permitted to take the question paper or any unused answer sheets out of the examination room.
- 8.30 Candidates will not be permitted to seek copies of their examination scripts.
- 8.31 Candidates will be contacted by the Education and Training Department with the examination results per 12.1 below.
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9. Conduct of Assessments

- 9.1 The following section applies to the conduct of assessments. Assessments normally take the form of direct observation of practical work, role-plays, oral questioning, written tests or other forms of assessment evaluation.
- 9.2 Assessments are part of the following courses:
- 9.2.1 Module 1 (Mediation)
 - 9.2.2 Accelerated route to Membership (Domestic Arbitration, International Arbitration and Construction Adjudication)
 - 9.2.3 Accelerated route to Fellowship (Domestic Arbitration, International Arbitration and Construction Adjudication)

Detailed information regarding assessments is provided in the individual course information sheets.

- 9.3 Candidates are required to be in attendance at the time specified in instructions issued before the assessment.
- 9.4 Candidates are required to comply with instructions or directions given by the assessors.

- 9.5 Candidates causing annoyance or distraction to other candidates may be required by the assessor to leave the room. In this case the candidate's attempt at the relevant assessment will be treated as a failure.
- 9.6 Assessed role-plays may be recorded. All recordings will remain the property of CI Arb and will not be distributed to candidates.
- 9.7 Assessors will grade candidates according to the relevant objective criteria.
- 9.8 The recorded assessment role-plays may be moderated. They may also, where required by CI Arb's quality assurance policies, be scrutinised by the Examinations Board
- 9.9 Candidates are reminded that the examiners and/or assessor's exercise of his or her judgment in determining competency is not subject to challenge or review.
- 9.10 Candidates must attend and participate in all parts of the assessment workshop to pass the module.
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10. Disciplinary Matters

- 10.1 CI Arb takes a serious view of academic misconduct in examinations, assignments or assessments. Cases of alleged academic misconduct will be reported to the Examinations Board. When considering a case of alleged academic misconduct, the Examinations Board will pay due regard to extenuating circumstances, evidence of intent and the severity of the alleged offence.
- 10.2 A proven case of academic misconduct admitted by the candidate will be treated as a disciplinary matter. The Examinations Board has the power to impose sanctions, including failure in examinations, assignments and/or assessments with or without permission to attempt the examination, assignment or assessment on the next occasion.

- 10.3 Candidates will be provided with an opportunity to make representations in writing.
- 10.4 'Academic misconduct' during the written examination will include, but is not limited to:
- 10.4.1 helping or receiving help from another candidate
 - 10.4.2 possession in the examination room of unauthorised materials. This includes permitted materials containing unauthorised annotation
 - 10.4.3 consulting any materials or persons outside the examination room during periods of absence while the examination is in progress
 - 10.4.4 attempting to influence a script marker or other official (for instance, by writing additional notes on the examination script)
 - 10.4.5 other misconduct includes behaviour likely to disturb or distract other candidates during the examination.
- 10.5 Academic misconduct in assignments includes plagiarism. Plagiarism is the misrepresentation of the work of others as your own (including ideas, arguments, words, diagrams, images or data). It includes the explicit claim that another's work is your own and, no less seriously, the failure to acknowledge adequately the sources used. This applies whatever the source of the material (for example, a published course, the internet, oral communication, the work of another candidate or commissioning work from another person or organisation).

ii. Marking Process

- 11.1 The overall module pass mark for Introduction modules is based on a clear pass or fail.
- 11.2 The overall module pass mark for Modules 1 and 2 (Domestic Arbitration, International Arbitration and Construction Adjudication) is 55%.
- 11.3 The overall module pass mark for Module 3 (Domestic Arbitration, International Arbitration and Construction Adjudication) is 70%. To pass the examination, candidates must pass Part A - Technical Merit with 70% or more and Part B - Judicial Merit with 70% or more. The marks will then be calculated to produce an overall mark for the examination.

- 11.4 The overall module pass mark for Module 1 (Mediation) is based on 'competent' or 'not yet competent'.
- 11.5 The overall module pass mark for Module 3 (Mediation) is 55%.
- 11.6 The pass mark for the Accelerated Route programmes is as follows:
- 11.6.1 Accelerated Route to Membership - Assessment of this course is split into 3 parts: Assignment (pass mark of 55% contributing 20%), Examination (pass mark of 55% contributing 80%) and Oral Assessment Workshop (Pass/Fail).
 - 11.6.2 Accelerated Route to Fellowship - Assessment of this course is split into 3 parts: Oral Exercises which is on a pass or fail basis, Written Exercises with an overall mark of 55% to pass and Examination with an overall mark of 70% to pass. Candidates must also part the Module 2 exemption test.
- 11.7 In order to ensure rigorous quality and standards are maintained, examination and assignment scripts are passed through a number of quality assurance processes prior to the release of results.
- 11.7.1 Scripts are marked by a CI Arb approved marker. Module 3 Award Writing and Decision Writing scripts are double-marked;
 - 11.7.2 Scripts are reviewed by a CI Arb approved moderator to ensure the general standard is acceptable and the marker has adopted a consistent approach;
- 11.8 All examination and assignment scripts are marked and moderated anonymously.

12. Notification of results

- 12.1 Results are dispatched to candidates by either post, email or both, normally eight to twelve weeks from the date of the conclusion of the examination, assignment or assessment. Mediation accreditation assessment results are dispatched within six to eight weeks from the date of the assessment. Delays will be communicated.

- 12.2 Where appropriate, results will be distributed to the candidate's local CI Arb Branch for postage.
 - 12.3 Results will not be released over the telephone.
 - 12.4 All candidates who attempt an examination, assignment or assessment will receive a feedback report. Any further correspondence should form part of the appeals process.
 - 12.5 Marked examination scripts, workshop exercises and problems and assessment DVDs will not be released to candidates.
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13. **Extenuating circumstances**

- 13.1 Candidates who fail to submit an assignment within the stipulated deadline will be deemed a fail, unless the late submission is due to extenuating circumstances
- 13.2 CI Arb recognises that candidates may experience circumstances which may affect their performance in the examination, assignment or assessment. Such circumstances include:
 - 13.2.1 sickness;
 - 13.2.2 bereavement;
 - 13.2.3 disruption in the examination room;
- 13.3 In the event that a candidate believes their result or performance in an examination, assignment or assessment has been adversely affected by extenuating circumstances, candidates must submit a request for consideration by CI Arb to the Education and Training Department. The request must be made in writing, providing an explanation of the circumstances, supported by any documentary evidence and certification.
- 13.4 Any requests for consideration of extenuating circumstances must be made no later than 1 week after the examination, assignment or assessment.

- 13.5 Extenuating circumstances will be reviewed by the Examinations Board. The Examination Board may make any decision at its discretion.
- 13.6 If a candidate is prevented from undertaking an examination, assignment or assessment due to extenuating circumstances, candidates can apply to postpone their examination, assignment or assessment and be transferred onto the next available session. Postponement charges may apply.
- 13.7 Candidates wishing to apply for a postponement must complete a postponement form and submit the form with the correct fee to the Education and Training Department. Other than in exceptional circumstances (at the absolute discretion of CI Arb) the application must be made at least 14 days prior to the date of the examination, assessment or release of the assignment.
- 13.8 Candidates may only postpone their examination, assignment or assessment registration on three occasions other than in exceptional circumstances (at the absolute discretion of CI Arb).
- 13.9 Candidates will be permitted an extension on the submission of an assignment on a case by case basis. Extensions will only be granted to candidates who submit a request and supporting evidence before the date of submission.

14. Disability Policy

- 14.1 The Equality Act 2010 (the 2010 Act) is a piece of legislation which protects individuals in the workplace and wider society from discrimination. CI Arb recognises that persons protected by the 2010 Act may require reasonable adjustments to be made. CI Arb is committed to providing equality of opportunity for all.
- 14.2 CI Arb is willing to take into account individual needs and make reasonable adjustments where necessary in order to assure non-prejudiced treatment and practical solutions to all its candidates provided that requests for reasonable adjustments have been submitted to CI Arb's Education and Training Department providing documentation to support the application at least 4 weeks prior to the course registration or examination, assignment or assessment date.

- 14.3 Each application will be considered on an individual basis. All applications for reasonable adjustments will be considered by the Director of Education and Training. In the event of a dispute arising, the Examination Board will make the final decision.

15. Administrative Check and Appeals

Administrative Check

- 15.1 CI Arb has stringent quality assurance procedures in place to ensure all candidates are treated in a fair and equitable manner. Should a candidate feel they have been unfairly treated after receiving their results, they are permitted to apply for an administrative check.
- 15.2 Any requests must be made in writing to the Education and Training Department within six weeks of the date of notification of the results.
- 15.3 A candidate may request an administrative check if they feel they have been unsuccessful in an examination, assignment or assessment and there is reason to believe that there may have been a clerical or administrative error in computing or notifying the correct result.
- 15.4 Candidates must submit a request in writing, supported by an explanation of the request.
- 15.5 The candidate's result and corresponding reports will be checked by the Education and Training Department as an administrative procedure and the result will be notified to the candidate within 4 weeks of receipt of the request.
- 15.6 In the event of an administrative check revealing a clerical or administrative error, the candidate's amended result will be referred to the Examinations Board for approval.

Appeal

- 15.7 A candidate may submit an appeal if they feel they have been unfairly treated through one of the following means:
- 15.7.1 unfair practice in the conduct of the examination, assignment or assessment process;
 - 15.7.2 unfair conduct by an assessor or in application of the assessment process.
- 15.8 The fact that candidates expected to pass an examination, assignment or assessment, or considered that the preparation they had carried out should have warranted a pass is not sufficient grounds for an appeal.
- 15.9 Candidates are reminded that the examiner's exercise of his or her judgment in determining a mark and/or result is not subject to challenge or review.
- 15.10 Candidates must submit an appeal to the Education and Training Department for consideration by the Examinations Board within 6 weeks of the release of the results. The appeal must be made in writing, providing an explanation, supported by documentary evidence and be accompanied by the correct fee.
- 15.11 The Examinations Board will consider the appeal and determine its validity based on the supporting documentation. The Examination Board may make any decision at its discretion. The result will be notified to the candidate within 12 weeks of the submission.
- 15.12 In the event the appeal is upheld, the Examinations Board will determine the level of the appeal fees to be refunded to the candidate.
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16. General

- 16.1 For the purpose of these Candidate Regulations, the law of England and Wales will govern any dispute arising between CIARB and the candidate, irrespective of where the examination, assignment or assessment was undertaken.

- 16.2 Any breach of these Candidate Regulations will be treated as a disciplinary matter and individuals will be liable to CI Arb for all losses, damages and liability resulting from their breach thereon.
- 16.3 In the event of a dispute arising from the application of these Candidate Regulations, which is not resolved by the provisions of the regulations or direct negotiation between the Institute and the complainant, then CI Arb will offer to participate in a mediation process with the complainant, the service to be provided by an independent mediator nomination body.
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CI Arb Candidates Regulations/March 2020