CEM Postgraduate Diploma in Arbitration

Assessment, progression and award regulations

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Author:  G Fogg
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File:  Arbs PGDip Regs
1. **Guidance notes**

1. Guidance notes will be issued to all candidates prior to examinations and shall form part of these regulations.

2. **Read in conjunction**

2. These regulations should be read in conjunction with the Student Handbook sections headed Assessment and exams, and Re-registration, withdrawal and deferral. Information given in these sections is deemed to be part of these regulations and is therefore binding.

3. **Ultimate authority / right to vary**

3. The College of Estate Management may vary these regulations from time to time, such variations being effective upon their publication.

4. **Assessment consists of**

4. The assessment for the Postgraduate Diploma in Arbitration consists of the following elements:
   
   a. assessed assignments in each of the four modules;
   b. one 2-hour and two 3-hour unseen written examination papers in Part 1;
   c. one 3-hour unseen written examination paper, and one 2-hour and one 4-hour open-book written examination in Part 2.

5. **Assessment table**

5. You will be assessed in each module through a combination of written examination papers and assessed coursework.

<table>
<thead>
<tr>
<th>Part 1</th>
<th>Assessment</th>
<th>Weighting</th>
<th>Module Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Module 1:</strong> A101CTE</td>
<td>4 assignments</td>
<td>5% each</td>
<td>35</td>
</tr>
<tr>
<td>Contract Tort and Evidence</td>
<td>1 examination (3-hour)</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 examination (2-hour)</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td><strong>Module 2:</strong> A102LAW</td>
<td>2 assignments</td>
<td>10% each</td>
<td>25</td>
</tr>
<tr>
<td>The Law of Arbitration</td>
<td>1 examination</td>
<td>80%</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 2</th>
<th>Assessment</th>
<th>Weighting</th>
<th>Module Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Module 3:</strong> A203LPA</td>
<td>2 assignments</td>
<td>10% each</td>
<td>25</td>
</tr>
<tr>
<td>Arbitration Practice and Procedure</td>
<td>1 examination</td>
<td>80%</td>
<td></td>
</tr>
</tbody>
</table>
6. Mark classification

Assessment classifications are as follows:

**Modules 1, 2 and 3:**

- 50-100% Pass
- 0-49% Unsatisfactory work

**Module 4:**

- 70-100% Pass
- 0-69% Unsatisfactory work

7. Pass principles

The pass mark for modules 1 to 3 is 50 overall (assignments and examination combined). The pass mark for module 4 is 70 (assignments and examinations combined).

8. Carry forward

You must complete the current assignments for each module and submit them by the required dates. In certain circumstances, however, you will be allowed to carry forward component marks from failed modules (see Regulation 15).

9. Syllabus in force

You will be examined on the syllabus in force at registration.

10. New law

When law which is either new, or which amends or extends that referred to in the syllabus or study material, comes into operation, you must read the syllabus and/or study material as though such changes were mentioned. You will be expected to be aware of the general principles of such changes which come into effect up to six months preceding the examination, but will not be examined upon it in detail. This provision does not just apply to those modules designated as law modules but will also apply where there is any reference to legislative provisions.

11. Research module

Assessment by research based modules is not used on this programme.

12. Viva voce exam

At the discretion of the Results Board a viva-voce examination may form part of any examination.
### 13. Discretion

13. The Results Board has the discretion to vary the above standards. All assessment marks are provisional and may be subject to moderation prior to confirmation by the Results Board.

### 14. QA approval

14. All results agreed by the Results Board are signed off by the Chairman of that board and by the Programme External Examiner before they are released.

### 15. Retake requirement

**Progression (in case of failure)**

15. If you receive a mark below 50 for any of modules 1-3, or if you receive a mark below 70 for module 4, you will be required to retake those modules at the next available opportunity, normally one year later.

In the case of modules 1-3, if you achieve not less than 50 in either the assignments (on average) or the examination(s) (on average) for each module to be retaken, you will normally be entitled to carry the mark for one element forward to your next attempt. In the case of module 4, if you receive a mark below 70, all elements of assessment have to be retaken. You must also pay a retake fee of approximately half the original module fee. If you do not sit the retake examination at the first available opportunity, a full module fee will be payable.

### 16. Fail due to illness

16. If you fail due to illness or other reasonable absence and have properly notified the College and provided supporting evidence, you will be deemed not to have sat and will not lose an attempt. However, you will still need to retake the module(s) at the next available opportunity, normally one year later.

In the case of any of modules 1-3 being deemed not sat, if you achieve not less than 50 in either the assignments (on average) or the examination(s) (on average) for each module to be retaken, you will normally be entitled to carry the mark for one element forward to your next attempt. In the case of module 4 being deemed not sat, if you receive a mark below 70, all elements of assessment have to be retaken. You must also pay a retake fee of approximately half the original module fee. If you do not sit the retake examination at the first available opportunity, a full module fee will be payable.

### 17. Compensate

17. There is no cross-module compensation available on this programme.

### 18. Attempts

18. You are allowed THREE attempts at each module.
## Postgraduate Diploma in Arbitration
### Assessment, progression and award regulations

<table>
<thead>
<tr>
<th>19. Trailing</th>
<th>19. There is no trailing of failed modules to the following year on this programme. All modules from Part 1 have to be passed before you can progress on to Part 2.</th>
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<tbody>
<tr>
<td>20. Award implications of retake</td>
<td>20. The final award is unaffected if any module has to be retaken.</td>
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<tr>
<td>21. Due diligence</td>
<td>21. If you fail any module at the final attempt the Results Board will look carefully at your results. If due diligence has been shown, the Results Board may recommend an exceptional extra attempt.</td>
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<tr>
<td>22. Condoning modules</td>
<td>22. In exceptional circumstances the Results Board retains the right to recommend a condonation of a failed module.</td>
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<tr>
<td>23. Max duration</td>
<td>23. The maximum time permitted in which to complete the programme is normally six years</td>
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| 24. Appeal reg 1 | **Appeals procedure**  

24. The appeals procedure is in two stages:

- **Stage One – Query procedure.** If you are unsuccessful and consider that a clerical or administrative error may have been made in the result as notified, you should write to the Head of Examinations at the College of Estate Management within three weeks of the date of publication of the results, requesting a recheck of the result and stating the reasons for such a request. The Head of Examinations will arrange for the result to be rechecked to discover whether a clerical or other error has occurred. You will be notified of the outcome of this check.

- **Stage Two – Appeals procedure.** You should make any further appeal against the decision of the Results Board within three weeks of completion of the query procedure. You must include the appropriate appeal fee and write to the Principal in an envelope marked “Private and Confidential”. You must state clearly the grounds on which your appeal is based and include any supporting documentary evidence. The criteria for appeals and the arrangements for the conduct of appeals are set out in the ‘Candidates’ Guidance Notes’ available from the Head of Examinations.
25. **Appeal reg 2**  
25. If there are legitimate grounds for appeal, the matter will be referred to an Independent Appeals Board. The membership of the Independent Appeals Board will normally comprise a Chairman appointed by the College from outside the College, academics also from outside the College and an individual professionally qualified and practising in a discipline relevant to the land and property sector. The Independent Appeals Board is the final arbiter in any appeal a candidate may make. Appellants will be informed of the outcome of the appeal by letter.

26. **Appeal reg 3**  
26. Subject to the right of appeal contained in these clauses, the decisions of the Results Board are final.

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<tr>
<th>27. Credits required &amp; designation</th>
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<tr>
<td><strong>Award</strong></td>
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<tr>
<td>27. You will be awarded the CEM Postgraduate Diploma in Arbitration on successful completion of 120 credits. You will be entitled to use the designatory letters PGDipArb.</td>
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<tr>
<td>A presentation ceremony is held in July each year. Full information about the ceremony, arrangements for guests, etc. is sent to diplomates following final results. If unable to attend you may opt to have your certificate sent to a specified address after the ceremony, or to postpone attendance until the next ceremony.</td>
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<tr>
<th>28. Classification criteria</th>
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<tr>
<td>28. Final awards will be based upon the following criteria:</td>
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<tr>
<td><strong>PASS:</strong> A mark of at least 50 in each of modules 1, 2 and 3. AND A mark of at least 70 in module 4.</td>
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<td><strong>FAIL:</strong> A mark of less than 50 in any of modules 1, 2 and 3 on three separate attempts (which are not regarded as deemed not sat). OR A mark of less than 70 in module 4 on three separate attempts (which are not regarded as deemed not sat).</td>
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<tr>
<td>Condoned modules will be treated as passes for the purpose of the above classifications. Any student module record that falls outside the above criteria will be treated as having final results not yet available.</td>
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### 29. Intermediate awards

29. A CEM Postgraduate Certificate in Arbitration will be awarded for the successful completion of sixty credits from the programme.

The award is **only** made if the course member leaves the programme after Part 1, or fails to achieve a pass grade in the following year and subsequently leaves the programme without being awarded the Diploma.

### 30. Ancillary awards

30. There are no additional awards for the credits completed on the PG Diploma in Arbitration. However, on successful completion of the assignments in Module 2 candidates can apply to the Chartered Institute of Arbitrators (CIarb) to become Associates; on successful completion of Part 1 candidates can apply to CIarb to become Members; on successful completion of the Diploma candidates can apply to the CIarb to become Fellows.