



## Schedule 2

(See also By-Law 11)

Examination Regulations - Fellowship

### INTRODUCTION

These Regulations shall apply to the Institute's Fellowship Examinations

#### Pre-fellowship seminar

1. The Institute will hold an Advanced Arbitration Seminar and a Pre- Fellowship Examination seminar prior to Arbitration Fellowship examinations being conducted.
2. The Institute will hold an Advanced Mediation Seminar and a Pre-Fellowship Examination seminar prior to Mediation Fellowship examinations being conducted.
3. Attendance at both arbitration-related seminars by candidates wishing to undertake the Arbitration Fellowship testing is mandatory, and attendance at both mediation-related seminars by candidates wishing to undertake the Mediation Fellowship testing is mandatory. The requirement to attend the Advanced Arbitration Seminar (in the case of a candidate for Fellowship in arbitration) and the Advanced Mediation Seminar (in the case of a candidate for Fellowship in mediation) will not apply to any candidate who has attended either an Arbitration Skills Intensive or a Mediation Skills Intensive (as appropriate) as offered by the Institute within no more than two years of the examinations to be undertaken.

#### Examination procedures

1. The examinations will be held at the places and times indicated on the letter sent to all candidates when receipt of enrolment is acknowledged by the Institute.
2. The examination candidates should arrive fifteen minutes before commencement of the examination.
3. Any candidate arriving thirty minutes (half an hour) after the commencement of the exam will not be admitted.
4. No candidate will be permitted to leave the room once the exam commences until 45 minutes have elapsed. Nor can a candidate leave the room in the last 15 minutes of the exam.
5. An additional ten minutes for the Part 1: The Law of Arbitration and the Part 1: The Law of Mediation examination papers and fifteen minutes for the Part 2: Arbitral Awards and the Part 2: Settlement Agreements examination papers are to be allowed for the reading of the examination paper by the candidates, immediately before the examination commences.
6. Examination candidates will be provided with scripts (blank paper on which the answers are to be written) before the examination.
7. Examination candidates are to use their examination number only on the scripts and not their name. If a name appears on the scripts, either as part of the text of the candidate's answers or otherwise, this may result in disqualification.
8. All answers to examination questions must be hand-written in ink or ball point (or similar) pen. Writing instruments for this purpose must be brought to the examination room by candidates.
9. Computers and telephones, including cellular phones, are NOT permitted in the room during the examination.
10. The examinations held under these Regulations are Open Book.



11. Part 1: The Law of Arbitration, Part 1: The Law of Mediation, Part 2: Arbitral Awards and Part 2: Settlement Agreements examinations are to be sat with the candidates supervised in an examination room. The only exception to this By-Law requiring supervision of examinations is when candidates are required to produce a written Award or Settlement Agreement.
12. Arbitration Awards and Settlement Agreements, may, subject to any conditions set by the Director of Professional Studies, be sat unsupervised and outside of the examination room. Candidates are to strictly observe the examination requirements disallowing any discussion about the paper they are sitting with any other person while they are responding to the question(s) and have yet to file the Award or Settlement Agreement with the office at AMINZ. The Director of Professional Studies must set a date and time within which Arbitration Awards and Settlement Agreements must be filed with AMINZ to conclude the examination process.
13. Arbitration Awards and Settlement Agreements, shall be received electronically or can be hand delivered in hard copy to the AMINZ office. Arbitration Awards and Settlement Agreements must be delivered to the AMINZ office in the form set out above and by the date and time stipulated by the Director of Professional Studies for that particular examination.

### **Misconduct during the Examination**

1. Supervisors are required to make a written report to the Institute in all cases of alleged misconduct by any candidate. This written report must be sent to the Institute within 24 hours of the end of the examination.
2. Any papers or other material that the supervisor considers have been dishonestly introduced into the examination will be retained by the supervisor and will be forwarded to the Institute with the written report.
3. The candidate involved in any instance of alleged misconduct may make a written statement at the end of the examination which will be forwarded to the Institute by the supervisor.

### **Examination Pass Marks**

Part 1: The Law of Arbitration	65%
Part 2: Arbitral Awards	75%
Part 3: Arbitration Practical	80%
Part 1: The Law of Mediation	65%
Part 2: Settlement Agreements	75%
Part 3: Mediation Practical	80%

Note: For a candidate to pass a Part 1 paper the candidate must achieve a minimum of 50% pass for each question attempted by that candidate.

### **Notification of Examination Results**

1. Examination results will be forwarded by post to the address on the candidate's enrolment form.
2. Examination results will show the mark and indicate a pass or fail.
3. Examination results will not be given by telephone or fax machine. Candidates are asked not to make enquiries regarding examination results unless a period of ten weeks has elapsed from the date of the examinations.
4. Scripts and their marking are moderated by the Director of Professional Studies.



## **Schedule 3**

(See also By-Law 6D)

### **Waiver Guidelines**

The following Guidelines shall be used by Council in determining whether the requirements for admission as a Fellow of the Institute may be waived.

- i. An application for a waiver shall be proposed and supported by a Council member who is preferably a Fellow and supported by a Fellow, both of whom shall have personal knowledge of the proposed member;
- ii. Any application for waiver must have an evidential basis having regard to the minimum attributes for a successful application as described below. For example at least two reasoned awards should be submitted in the case of an arbitrator candidate for waiver.
- iii. The application must also be accompanied by a report describing the proposed member's eminence in the field of dispute resolution processes and the prestige or benefit their membership will bring to the Institute.
- iv. The minimum attributes for a successful application shall be as follows:
  - a. Dispute resolution professionals who can demonstrate that they have practised continuously as such for at least 10 years and who have achieved eminence and renown
    - Through their high office on other dispute resolution organisations; or
    - Through their authorship of authoritative texts on the subject of dispute resolution; or
    - Through their standing as professor or equivalent in a university or equivalent academic institution where they teach or research dispute resolution practice and procedure.
  - b. Retired judges who had extensive experience in civil cases while serving and where the candidate can demonstrate (for example by submission of judgments or identification of reported cases) that they have given judgments on not fewer than 3 cases where an important matter at issue in the case(s) was an issue of dispute resolution principle, practice or procedure
- v. The Council member proposing the waiver candidate shall:
  - Not be present when the discussion and decision on the application is being considered by Council; and
  - Will be informed once the Council has reached its decision on the application; and
  - If the application for waiver is successful arrange for the proposed member to be interviewed by an interview panel, the members of whom and the manner of interview to be approved by Council
- vi. There will normally be no exemptions from the requirement that the proposed candidate for waiver must satisfy an approved interview panel of their knowledge of dispute resolution processes and their suitability to become a Fellow before the classification of Fellow can be conferred on the candidate.