INSOL International

Course Handbook

2020 / 2021

INSOL INTERNATIONAL
**FOUNDATION
CERTIFICATE**
in INTERNATIONAL INSOLVENCY LAW

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1. Word of Welcome

Welcome to the **Foundation Certificate in International Insolvency Law** (referred to throughout this handbook as the "Foundation Certificate") offered by INSOL International. The Foundation Certificate is a self-study postgraduate certificate programme aimed at inexperienced practitioners or new entrants to the insolvency profession, especially in emerging market and developing jurisdictions. INSOL International aims to provide an affordable, easily accessible course for working practitioners that can be completed at a realistic pace with the use of modern technology. To this end, the course is presented entirely online and does not require registered candidates to travel anywhere in order to complete the course. This is only the second time the course is being presented, so you will have the benefit of changes made since the first group completed.

The Foundation Certificate is presented in one-year cycles. The year for this intake of candidates starts on 1 September 2020 and concludes on 31 August 2021. The course can be completed in one year, or over the course of two years should candidates wish to pace themselves in the completion of the course. By now you will have made an election to complete the course in a single year or over the course of two years. Registered candidates are required to complete eight modules in order to obtain the certificate, three of which are compulsory modules and five of which are elective modules. For the elective modules, candidates can choose from 30 jurisdictions in five regions across the globe as well as a general module on Ethics and Professional Practice. The prescribed materials for each of the modules have been prepared by experts in practice and academia, reflecting a wide pool of specialised expertise.

Being a bespoke course with a specific objective in mind, the content of this course was designed from scratch by a number of specialists in the field. INSOL International is in the unique position of being able to source the services of some of the most highly qualified and experienced practitioners and scholars in the field to provide an introductory course on the legal elements of international insolvency and restructuring.

This handbook contains essential information relating to the completion of the course, so all **candidates are expected to read through this document and to familiarise themselves with its content**. You are advised to refer back to this document regularly in order to avoid the problems and pitfalls that emerged during the first presentation of this course.

In the paragraphs below I would like emphasise a few things and also address any misconceptions you might have about how the course is run:

- I am the only person involved in the course at INSOL International, which means that every single aspect of the course is dealt with by me. INSOL International is not a university and we cannot run the course the way a university would run it, we simply do not have the resources or the manpower to do so. This means that certain rules have been introduced in order to facilitate the smooth running of the course.

- Where it is stated that no exceptions are made for the late submission of assessments, this is what it really means. There are no extensions granted in any circumstances. This is why the course can be completed over the course of two years – if you are unable to submit assessments in year 1, then these can be repeated in year 2. This may sound harsh, but this is what you have signed up for and the course cannot be run in any other way with the resources and manpower at our disposal.

- If you do not read the instructions in this Handbook (and elsewhere on web pages or contained in assessments), you are going to experience problems and frustrations. Please read the instructions as this makes my life a whole lot easier. Before e-mailing me about a query you may have, please first read the handbook to see if you cannot find the answer to your question. I have also included a FAQ section in the handbook to assist with questions you might have.

- When you enrolled, your enrolment was confirmed by an auto-generated e-mail. This e-mail sets out your **student number**, **your module choices** and also contains instructions on how to log in on the course web pages come 1 September. Importantly, this e-mail informs you of your **compulsory and elective module choices**. This is important in relation to the submission of assessments for the compulsory and the elective modules, which have differing dates. **When corresponding with me by e-mail, please quote your student number** – if you do not, I have to go and search for it before addressing your query. If you did not receive the e-mail I am referring to, please check your junk / spam folder as it likely ended up there. Please adjust your settings, or ask your office administrator to do so, as many of the e-mail you will receive on the course are auto-generated.

- The course is structured. This means that you are supposed to focus on Module 1 (the two assessments are due on 15 October and 15 November 2020) and your two compulsory modules (the assessments for which are due on 1 March 2021) before tackling the elective modules. Please do not expect all the elective modules to be up and ready on 1 September, as these are now in the process of being updated. Each of these have to be checked and edited when they are returned to me and, since I am the only person who does this, it takes time to complete. From March to July 2021 you should concentrate on your elective modules. I will endeavour to have all the elective modules up by the end of November 2020, which will then provide you with the flexibility of starting with your elective modules earlier than March 2021. I can assure you that I am doing everything I can to upload all the elective module Guidance Texts and assessments as soon as possible. We pride ourselves on the quality of the content of the Guidance Texts and in order to achieve that delays are sometimes experienced. I ask for your patience and understanding while I undertake this time-consuming task.

- Occasionally our system experiences glitches and in such a case tings may not work as expected. I have highlighted these possible glitches at the appropriate places in this handbook, so please follow the troubleshooting tips where they have been provided.

- While the system we are currently using is functional, it is not particularly aesthetic or attractive and some aspects are not as intuitive as they could be. Please note that our web developers are currently in the process of improving the look and feel of the system and they are hoping to complete the overhaul in a couple of months' time. The new system will have to be extensively tested before going live, so I anticipate that it will only be ready by the beginning of December 2020. The transition is designed to be seamless, but I have yet to see a system transition going seamlessly or smoothly. You will be given sufficient warning before the transition takes place, but it will be at a time when no assessments are due to be submitted.

- A multitude of problems were experienced with plagiarism and cutting and pasting from the Guidance Texts during the 2019/20 course. Please note that lecturers on the course have been instructed to penalise candidates for this more heavily during the 2020/21 course. In serious cases of plagiarism, disciplinary steps will be taken against those involved, so please be warned. Stated simply, all your answers when answering assessments must be in your own words and you have to demonstrate that you understand the content of the module

concerned. I understand that not all candidates doing the course are lawyers, but guidance in regard to plagiarism is provided in this handbook.

- Finally, it is imperative that you **consult the Course Administration page on the course web pages on a regular basis**. This is where I communicate with you and update you on developments on the course. With the last cohort of students it happened too often that candidates would e-mail me asking me something that I had already addressed in an update on the Course Administration page.

If you have any questions regarding the content of the course or the administration thereof, please do not hesitate to contact me at david.burdette@insol.org.

Dr David Burdette
Course Leader

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2. Course Committee

David Burdette	Chair / Course Leader – INSOL International, UK
Jane Dietrich	INSOL Fellow, Board Director INSOL International, Cassels Brock, Toronto, Canada
Jassmine Girgis	Associate Professor, University of Calgary, Calgary, Canada
Georg Kodek	Professor, Vienna University of Economics and Business; Judge of the Austrian Supreme Court, Vienna, Austria
Dhananjay Kumar	INSOL Fellow, Cyril Armarchand Mangaldas, Mumbai, India
Timothy Le Cornu	INSOL Fellow, KRyS Global, Guernsey
Kathleen van der Linde	Professor, University of Johannesburg, Johannesburg, South Africa
Victoria Weyulu	Ministry of Justice, Windhoek, Namibia

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3. Course Aims and Objectives

The Foundation Certificate focuses on providing a sound theoretical understanding of the basic principles of international insolvency law for persons who have had only very limited exposure to this field (or no exposure at all). While the emphasis is on providing a sound theoretical understanding of the principles of international insolvency law, the course will also provide candidates with a practical understanding of the issues at play, though at an introductory level.

The course is presented entirely online and while support and guidance will be provided to candidates, this is mainly a self-study course to be completed at a pace suitable to each individual candidate. Emphasis is placed on corporate insolvency law and candidates are

introduced not only to the insolvency laws of various jurisdictions, but also to the various available mechanisms for dealing with international insolvencies.

The course focuses on:

- An understanding of the various principles and theories that apply in international insolvency law;
- An overview of the UNCITRAL Model Law on Cross-Border Insolvency or the European Insolvency Regulation;
- An overview of the insolvency system that applies in the United Kingdom or the United States (as two leading global insolvency systems), including the approach to cross-border insolvency in these two jurisdictions;
- An overview of the insolvency systems and approach to international insolvency in various jurisdictions across the globe. Candidates can select from the 25 jurisdictions in five regions on offer.

The specific goals of the course are:

- To introduce candidates with no or very limited experience in cross-border insolvency to the principles of international insolvency law;
- To introduce candidates to legal concepts and theories relating to international insolvency law;
- To introduce candidates to both primary and secondary insolvency legislation in a number of jurisdictions;
- To provide an overview of the purpose of international insolvency proceedings and the impact it can have on domestic insolvency proceedings;
- To provide candidates with a broad overview of the UNCITRAL Model law on Cross-Border Insolvency Law or the European Insolvency Regulation, thereby providing insight into international legislative initiatives dealing with international insolvency;
- To provide candidates with an overview of the insolvency systems of the United States or the United Kingdom and how they are applied in practice;
- To provide candidates with an overview of the insolvency systems of five additional jurisdictions from a list of 25 countries and how such jurisdictions approach the issue of international insolvency.

Upon successful conclusion of the course, candidates will have:

- A sound understanding of the principles of international insolvency law;
- A sound understanding of the legal concepts and theories that apply to international insolvency law;
- A broad understanding of the primary and secondary legislation that applies in a number of jurisdictions, as well as the ability to apply such legislation to limited practical situations;
- A broad understanding of the purpose and application of the UNCITRAL Model Law or the European Insolvency Regulation;
- The ability to understand and apply the rules of international insolvency to a given set of facts.

4. Basic Course Structure and Other Information

Number of modules to be taken

In order to be awarded the Foundation Certificate, candidates are required to complete a minimum of eight (8) modules, three (3) of which are compulsory (although a choice is offered for Modules 2 and 3) and five (5) of which are electives. Candidates may also take the modules not selected under Modules 2 and 3 (compulsory modules) as elective modules.

Candidates may take more than the minimum of eight modules, but are advised that this will create an additional workload which some candidates might struggle to cope with.

The only restriction on the choice of elective modules is that candidates may not choose their home jurisdiction as one of the electives.

As stated, the eight modules needed for the Foundation Certificate may be completed over a period of between one and two years, with one year being the minimum and two years the maximum amount of time a person may be enrolled in order to be awarded the certificate.

Weighting of modules

Each of the course modules are of equal weight and consist of 80 notional hours. (The notional hours represent an estimate of all the time that will be required to complete the module and includes reading, preparation, completion of assessments, etc.) Please note that the notional hours are merely an estimate – most candidates do not need that much time to work through each module and the notional hours will probably be revised downwards once the Course Committee has had an opportunity to consider this.

Language medium

The course is presented in English. Where there is doubt regarding an applicant's proficiency in the English language, INSOL International reserves the right to request the submission of an IELTS or TOEFL certificate as follows:

- IELTS: minimum score of 6.5;

- TOEFL: Reading: Intermediate (15-21 out of 30); Writing: Fair (17-23 out of 30).

Pass marks

In order to obtain the Foundation Certificate, candidates must obtain a minimum of 50 percent for EACH of the eight module assessments required to pass the course. Candidates who fail the assessment for a particular module will have to re-enrol for the relevant module, or enrol for a different module, in the following year. **No re-sit examinations / assessments are provided for**, except in certain circumstances (see "Re-sit assessments" below).

Level of achievement

Successful candidates will be issued with a certificate indicating they have passed the Foundation Course in International Insolvency Law. Levels of achievement, such as Pass with Commendation or Pass with Distinction, are not awarded as part of this programme.

Re-sit assessments

No provision is made for re-sits where a candidate has failed the assessment for a particular module or modules. In such cases candidates will be required to re-do the failed module, or to take a different module, the following year.

However, if at the end of a year cycle of the course a candidate needs only **one** module **in order to pass the course as a whole** (this would exclude persons who are enrolled to complete the certificate over the course of two years and they failed or did not submit one assessment in year 1; however, the same rule will apply to persons who only need one Module to pass the course as whole at the end of year 2), the Course Leader has the discretion to allow the candidate one further opportunity to pass the module. Such re-sit assessment will take place on an *ad hoc* basis **and the candidate will not be charged a fee for doing so** (despite the Course Brochure stating that a fee of £150 – INSOL International members, or £200 for non-members – is payable in order to take the re-sit).

If at the end of a two-year cycle a candidate needs two or more modules to pass the course, such candidate will have to re-enrol and re-do the course in its entirety, with the exception of Module 1, for which credit will be given if the candidate has in fact passed that module previously.

Course duration

The course is presented in one-year cycles between 1 September and 31 August each year. Candidates will be allowed a period of two (2) years within which to complete the course, but may do so within one year provided they pass all the relevant modules for the Foundation Certificate in the relevant year. The course must be completed in two consecutive years.

Candidates who do not complete the prescribed number of modules for the Foundation Certificate within the prescribed period of two years, will not be awarded the Foundation Certificate but will be issued with a certificate indicating the modules that have successfully been completed. If such a candidate wishes to obtain the Foundation Certificate, he or she will need to re-enrol on the course when a new cycle of one or two years within which to complete the course, will commence. No credits previously obtained will count towards the Foundation Certificate upon re-enrolment, apart from credit for Module 1 (which a candidate will not be required to redo if they have passed it on a previous attempt).

Deferment

Due to the fact that candidates have two years within which to complete the course, no deferments on the course will be allowed. Candidates who are unable to complete the course within the maximum period of two years, for whatever reason, will need to re-enrol for the entire course (with the exception of Module 1, if the module has been passed previously) in order to obtain the Foundation Certificate.

Modules taken for non-certificate purposes

Candidates who have successfully completed the course and who have been awarded the Foundation Certificate, may thereafter enrol for additional modules on an *ad hoc* basis for non-certificate purposes. Please note that the cost of taking additional modules for non-certificate purposes is £150 per module for INSOL members (£200 per module for non-members), regardless of whether candidates are from designated or non-designated countries.

Where modules are taken for non-certificate purposes, a statement of results will be issued to each such candidate at the end of each year cycle of the course, stating which modules were passed and the number of notional hours allocated to each module.

Candidates enrolling for non-certificate purposes may register for as many modules as they wish, although it is suggested that taking more than eight (8) modules may have a negative impact in terms of workload. There is no limit on the number of times a person may enrol for non-certificate purposes; the only requirement is that such person must already have passed and obtained the Foundation Certificate.

5. Accessing the Foundation Certificate Web Pages

Once you have been notified by e-mail that your application for a place on the course has been successful, log in to the INSOL International website **on or after 1 September 2019** using your login details.

If you have already paid the full course fee, on the top right hand side of your screen you will see an icon or tab that says FOUNDATION, as illustrated in the picture on the next page.

Clicking on the FOUNDATION icon will take you to the Foundation Certificate web pages. The landing page shows the members of the Foundation Certificate Course Committee. There are three further tabs, namely COURSE ADMINISTRATION, COURSE CONTENT and ASSESSMENTS.

Clicking on the COURSE ADMINISTRATION tab (see screenshot below) will take you to the general course administration page where you will find general information relating to the course. The Course Handbook can also be found here. The Course Leader will use this page for announcements relating to the course and for updating candidates on any developments they should take note of. **Candidates are requested to access this page on a regular basis in order to remain up to date with announcements relevant to the course.**
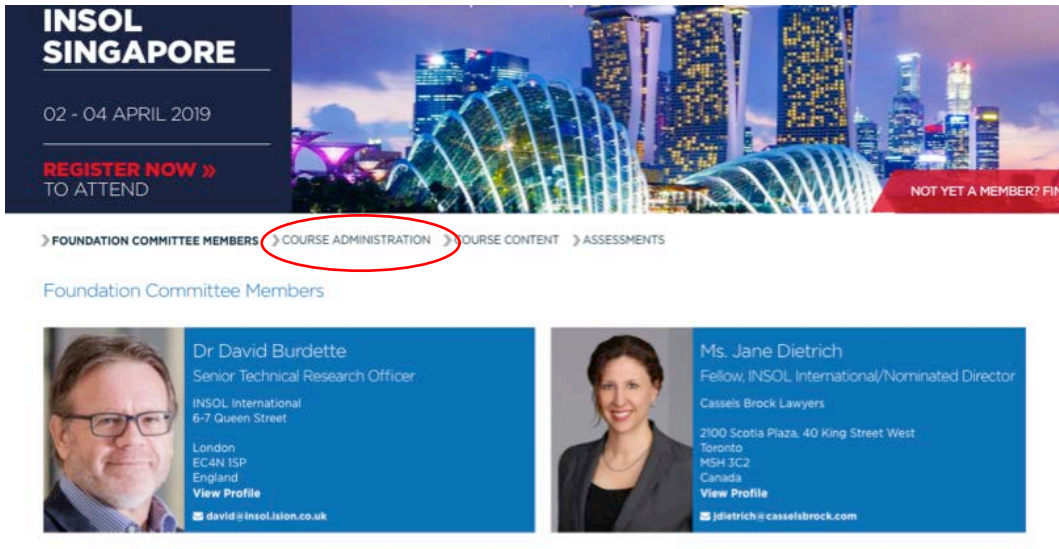
Clicking on the COURSE CONTENT tab will take you to the web page where the modules you have selected will be visible as illustrated in the screenshot below:

The COURSE CONTENT page will by default open on Module 1, Introduction to International Insolvency Law. In order to access the material for each module, click on the relevant module in the blue boxes on the left-hand side of the page. Each Module has its own page that

contains a description of the module, the name(s) of the lecturer(s), a brief video by the lecturer(s) (where these have been provided) and the Guidance Text. By clicking on the Guidance Text link, the document will open the PDF document in a new tab. Candidates are advised to download these Guidance Texts rather than to open them in the manner described above. Each Guidance Text is fully bookmarked but this functionality will only be visible if you download the text and open it using Adobe.

Clicking on the ASSESSMENTS tab will take you to the assessment pages for each module. The submission of assessments is explained in greater detail under the heading ASSESSMENTS below.

6. Important Dates

1 March 2020 to 21 August 2020	Registration portal open for enrolments on the course.
1 September 2020	Course commences. Candidates have access to the course materials and assessments that have already been uploaded.
15 October 2020	Final submission date for the submission of the formative (practice) assessment. The submission of the formative assessment is not compulsory, but candidates are encouraged to submit this assessment as full feedback will be given and guidance provided for the submission of the remainder of the assessments.
15 November 2020	Final submission date for assessment 1 (summative / formal assessment covering Module 1)
1 March 2021	Final submission date for assessments 2 and 3 (summative / formal assessments covering Modules 2 and 3). This is compulsory for modules candidates have selected as their compulsory modules. For candidates who have selected compulsory modules from Modules 2 and 3 as elective modules, a choice is given as to when to submit the assessment.
31 July 2021	Final submission date for assessments 4 to 9 (summative / formal assessments covering Modules 4 to 9).
21 August 2021	All marking has to be completed and results returned to the Course Leader. Candidates will be informed of their results for the course as a whole by the end of August 2021.
31 August 2021	Course ends, certificates are prepared and mailed to candidates in September 2020.

7. Assessments

Various forms of assessment will be utilised on this course. Please take note of the following important information relating to the completion and submission of assessments.

Continuous self-assessment

The prescribed Guidance Texts (prescribed notes) for each module contain numerous self-assessment questions which candidates can use to chart their progress and understanding of the course materials as they progress through the work. Continuous self-assessments do not count towards a candidate's marks on the course. These have purely been designed to assist candidates understand the content of each module.

Formative assessment (Module 1)

In order to assist candidates with their preparations for the submission of the formal summative assessments for all modules, one opportunity will be given to candidates to submit a formative assessment. This formative assessment must be submitted by 15 October 2020. Submission of the formative assessment is not compulsory, but all candidates are urged to submit this assessment in order to identify any shortcomings prior to the submission of the formal summative assessments. Feedback will be provided to students who submit the formative assessment and the model answers to this assessment will be uploaded to the Course Administration page once the closing date for submissions has passed. The formative assessment for this course deals with the content of Module 1.

Summative (formal) assessment per module

Candidates will be required to complete one summative or formal assessment per module and to submit it online. All modules carry an even weight. In order to obtain the Foundation Certificate, candidates need to have passed at least eight modules with 50 percent or more, consisting of three compulsory and five elective modules.

Candidates enrolled for non-certificate purposes will pass or fail the modules they have enrolled for after completion of the online assessments. A statement of completion will only be issued at the end of the relevant year cycle of the course.

Please note that certificates for each of the Modules passed can also be downloaded. Once the mark for the relevant summative assessment has been entered on the system, on the ASSESSMENTS page you will see the status of the assessment indicated as "Passed" or "Failed", as indicated in the screenshot below. The certificate can be downloaded by clicking on the "Download" button where the module has been passed.

Assessment schedule

Due to the fact that the course is structured, assessments will be completed within specific timeframes, as indicated below. **Please note that the late submission of assessments will not be accepted in any circumstances**. The portal for the submission of assessments will close at the time indicated as the deadline for the submission of assessments. Once the portal has closed, it will no longer be possible to upload assessments. **It is therefore imperative that candidates plan well in advance for the submission of assessments**.

Formative assessment (Module 1)
Submission of the formative assessment is voluntary and is designed to assist candidates with their preparations for the formal, summative assessments for each module. In order to receive feedback on this assessment, candidates will have to submit it online by **15 October 2020** at the latest.

Summative assessment 1 (Module 1)
Assessment 1 will cover Module 1 and must be completed by **15 November 2020**. Candidates may elect when to complete the assessment and may submit it whenever they feel they are ready; however, the assessment must be submitted online **by 11 pm (23:00) GMT on the due date of 15 November 2020 at the latest**. Once the submission date and time has passed, the portal will close and it will no longer be possible to submit assessments.

Summative assessment 2 (Module 2) and summative assessment 3 (Module 3)
Assessment 2 will cover Module 2 and assessment 3 will cover Module 3, and both must be completed by **1 March 2021** where these modules have been selected as compulsory modules (candidates should refer to the e-mail they received when their place on the course was confirmed – this e-mail sets out each candidate's module choices, stating which are compulsory and which are electives. Candidates will be able to elect when to complete and submit the assessments, and may do so whenever they feel they are ready; however, the assessments must be submitted online **by 11 pm (23:00) GMT on the due date of 1 March 2021 at the latest**.

Important note: Candidates who have selected Module 2A, 2B, 3A or 3B **as elective modules** have a choice as to when they wish to submit their assessments for these modules. The assessment submission date for these modules taken as electives is either **1 March 2021 OR 31 July 2021**. However, if an assessment is submitted on 1 March 2021, the same assessment cannot be submitted again on 31 July 2021, for example to try and obtain a better mark.

Summative assessments 4 to 9 (Modules 4 to 9)
Assessments 4 to 9 will cover all of the elective modules (that is, Modules 4A to 9). In relation to Modules 2A or 2B, or Modules 3A or 3B, taken as electives, please take note of what is stated above. Candidates will be able to elect when to complete and submit the assessments for Modules 4 to 8 and may do so whenever they feel they are ready; however, all assessments for modules 4 to 8 must be completed and submitted online **by 11 pm (23:00) BST on the due date of 31 July 2021 at the latest**. Once the submission date and time has passed, the portal will close and it will no longer be possible to submit assessments.

Please also note that marked assessments will be returned to candidates within three weeks of the final submission date, not three weeks from the time the assessment is submitted.

Marking of assessments

Assessments will only be sent for marking after the final submission date for each of the assessments has passed. Every effort will be made to return marks to candidates within three weeks of the final submission date of the assessment.

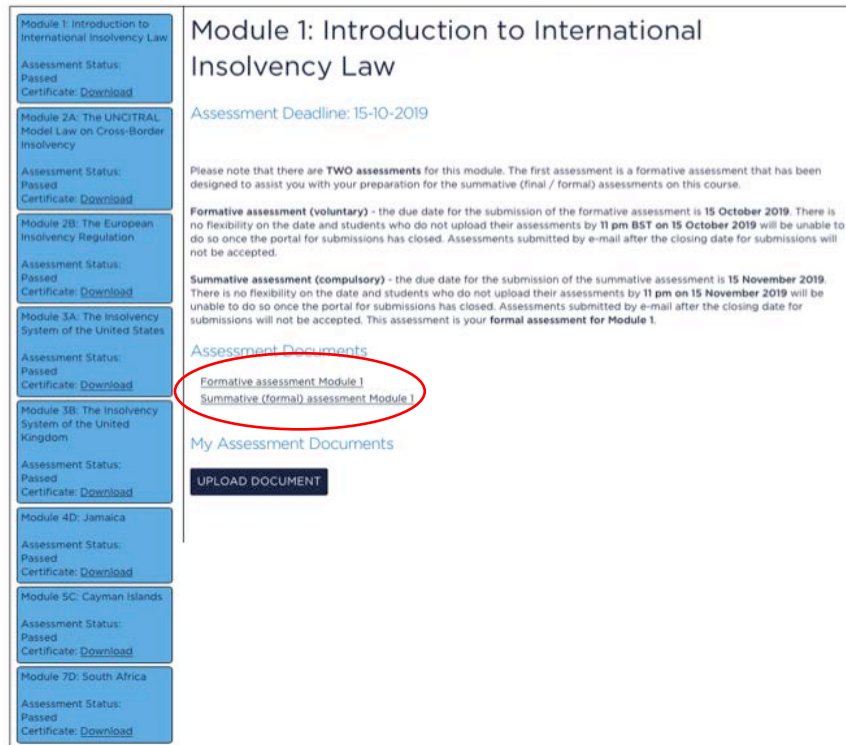**Where to find the assessments for the modules selected**

In order to find the assessments for the modules you have enrolled for:

1.   Click on the FOUNDATION icon on your dashboard.
2.   Once you arrive on the landing page for the Foundation Certificate, click on the ASSESSMENTS icon (see screenshot on the next page).
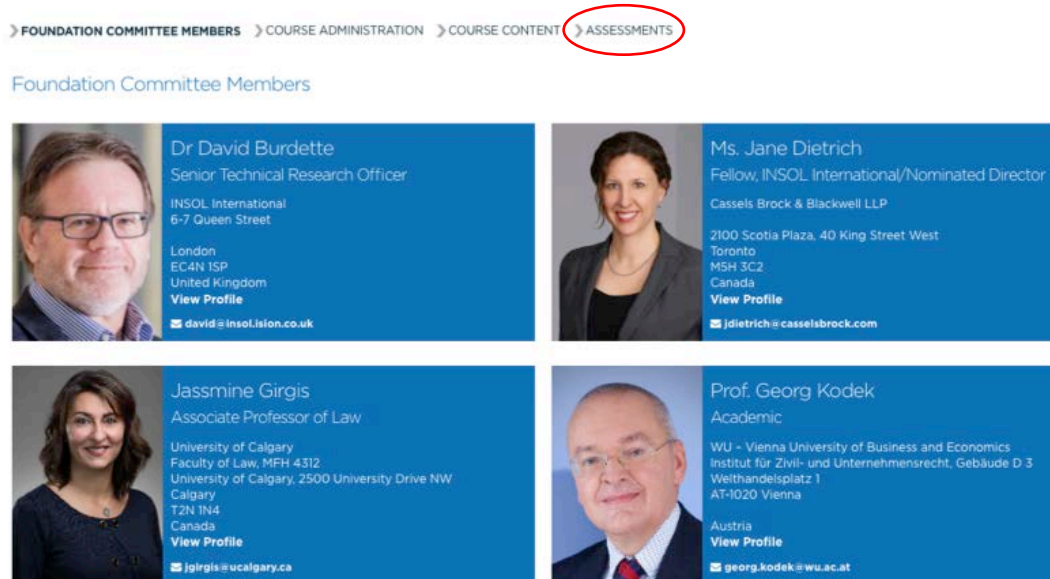
3.   The assessments page will open – this looks similar to the COURSE CONTENT page, but instead of a guidance text and video, here you will find the assessment(s) for the

relevant module. Click on the module you wish to complete the assessment for. The assessment document(s) appear as in the picture below.
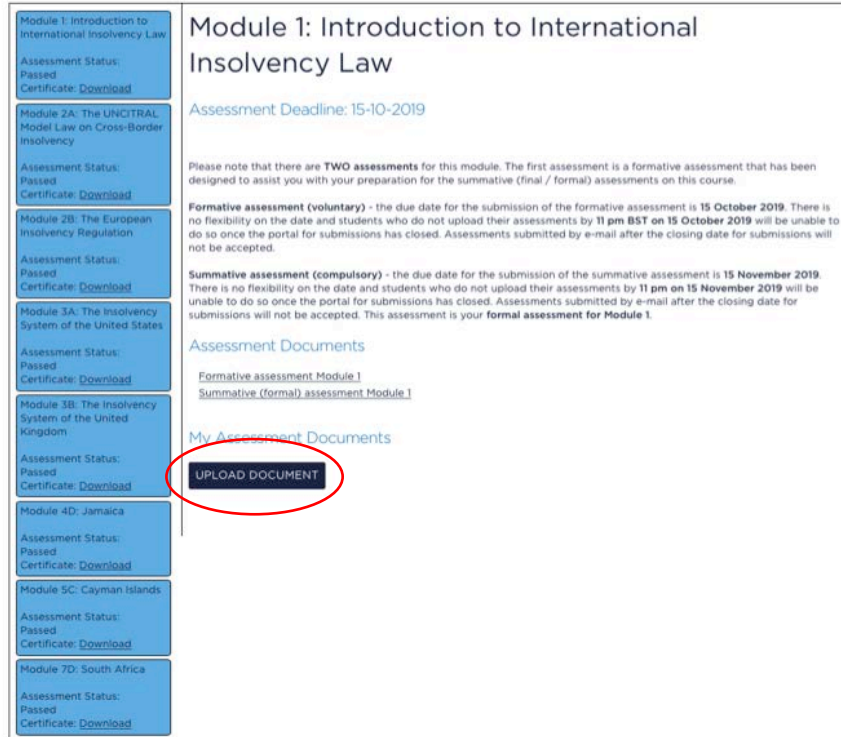

Format of assessments

When downloading the assessments from the assessments web page, you will notice that the assessment is in the form of a template. This template has already been set up with the correct font size and line spacing. **Please do not make any adjustments to the formatting of the document**. Please remember to save the file using the format and file names as indicated below.

For multiple-choice type questions, please highlight the correct answer in yellow. For the remainder of the questions please follow the instructions contained in the assessment.

Submitting assessments online

In order to submit your assessment online, follow these steps:

1. Follow the steps above ("finding your assessments") in order to arrive at the assessments page.
2. Select the module you wish to submit an assessment for.
3. Click on the "upload document" button under "My Assessment Documents"

4.   Once you have clicked on the "upload document" button, the following will appear:

In the "Document Name" box, you **MUST** enter your student number followed by a full stop (no spaces) followed by the assessment number, depending on which assessment is being submitted (for example, 202021IFU-314.assessment2A). Instructions are provided in each assessment and the assessment itself has been prepopulated for your convenience.

Please note that if you do not enter a document name into the "Document Name" box, your assessment will not be visible to me and your assessment will not be marked as there will be nothing to download.

The reason for using the document names in this manner is to ensure that the lecturers marking the assessments will be unable to determine whose assessments are being marked. (In order to guarantee complete anonymity, candidates are encouraged to remove their name as document author under > File > Properties in the MS Word menu bar.)

Where it says "Document" – "choose file", select the file on your computer that contains the answer to the assessment. Please use the same file name on your document as you have entered into the "Document Name" box.

Once these steps have been completed, click "SUBMIT".

When clicking on the "SUBMIT" button, the following pop-up box will appear:
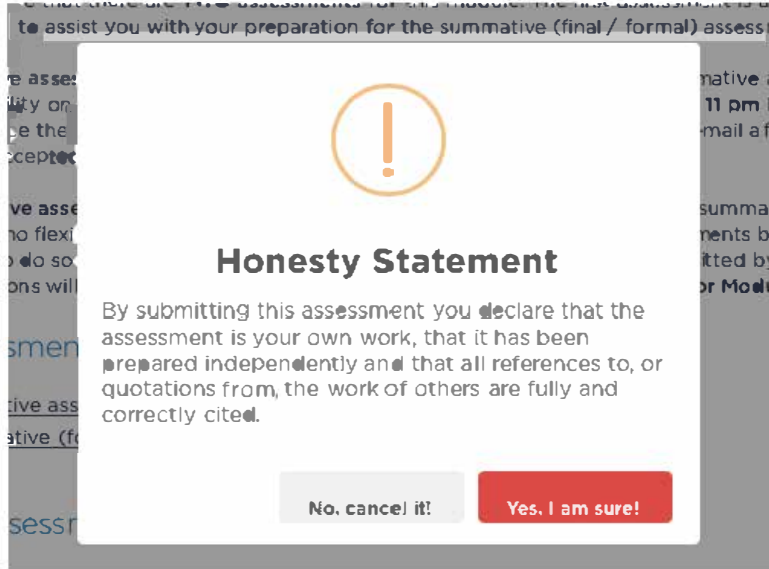
The purpose of the honesty statement is to ensure:

- that candidates submit their own work for assessments; and

- that candidates have not plagiarised or copied the work of others when preparing the assessment.

Please see the heading "plagiarism" below and take note of the consequences should candidates be found to have plagiarised the work of others, or where they have not completed the assessment themselves.
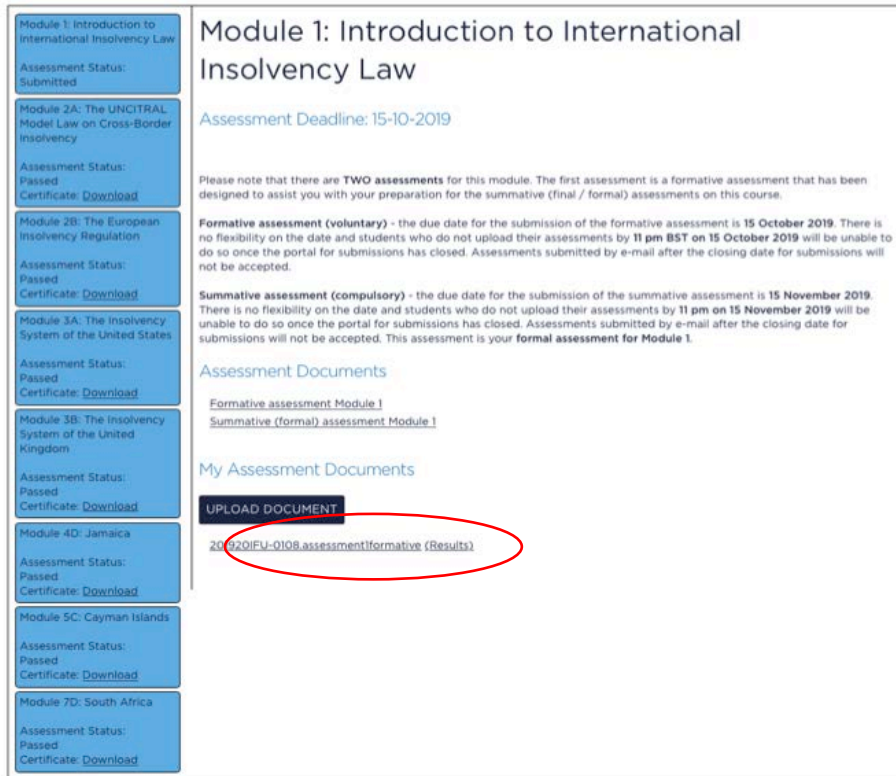
Once you have submitted an assessment online, you will receive an e-mail confirming that the assessment has been received. If you do not receive such an e-mail within two hours of having submitted the assessment, please e-mail the Course Leader (david.burdette@insol.org) immediately. However, before doing so please check your spam / junk folder as the e-mail may have landed up there.

Return of assessments after marking

Please allow at least **three weeks** for the return of marked assessments. **The three-week period is to be calculated from the closing date for submissions for each assessment and not from the time the assessment has been submitted**.

The speed with which marked assessments will be returned to candidates will in the first place depend on the number of students enrolled on the course. However, INSOL will endeavour to return all marked assessments within three weeks of the closing date for each of the assessments. During the 2019/20 course this was achieved in the case of all assessments.

When assessments are returned to candidates, each candidate will receive an e-mail notification notifying them that their assessment has been returned and the mark awarded for that assessment. Candidates can retrieve their marked assessments under the ASSESSMENTS tab on the Foundation web pages. The returned assessment will then be found under "My Assessment Documents", just beneath the UPLOAD DOCUMENT tab as illustrated in the screenshot below. The document can be identified as the returned assessment by the words "(Results)" that will follow the file name (see screenshot below). Please note that the file name on the left is the file you uploaded when submitting your assessment. The word "(Results)" is a separate link and will download the marked assessment in PDF-format.

Feedback on assessments

Each returned assessment will contain feedback on the assessment itself by the person who has marked the assessment. Assessments will be sent to the lecturer of the relevant module to be marked and the lecturer will also be the person who provides feedback. This will either be done by inserting comments into the MS Word document or by way of different coloured text added to the assessment. The assessment will then be saved as a PDF file and returned to the candidate concerned. Please note that the extent of the feedback provided will depend on the person marking. Because this is an online course, all lecturers have been asked to provide proper feedback so that candidates can see where they have gone wrong.

Only in cases where there are a large number of students registered for a specific module will additional lecturers be approached to help with the marking. In such cases the course leader will moderate the scripts to ensure a uniform approach to the marking.

Re-marking of assessments

Where candidates are dissatisfied with the mark awarded for a particular module, a re-mark can be requested. Candidates are welcome to ask for a re-mark, but please take note that **a fee of £30 will be payable for every re-mark requested**. Someone has to be paid for re-

marking the script and this amount will be used to pay the person who re-marks. In the case of re-marks, the original script will be sent to an independent expert on that topic to be re-marked *de novo*. The script that has already been marked will not be provided to the re-marker. Please also note that the mark awarded by the re-marker will be final and no further re-marks will be undertaken. Bear in mind that we already experts on each topic as lecturers and markers for the course, so the chances of the mark changing substantially after a re-mark is negligible and you could end up getting an even lower mark than the first mark that was awarded.

Plagiarism and other issues involving dishonesty in regard to assessments

On an online course such as this, it is almost impossible to police whether or not candidates have submitted their own work. Aspects such as plagiarism, where existing software can be used to detect where the work of others has been used without acknowledgement, are more easily detected. For this reason, the submission of an assessment is preceded by an honesty statement (see the previous heading) where candidates will be asked to confirm that the work submitted is indeed their own and that the work of others has not been used without acknowledgement. Success on this course therefore relies largely on the honesty of registered candidates.

Generally speaking, plagiarism can be described as the practice of taking someone else's work and ideas and passing them off as your own, with or without their consent. Some examples of plagiarism are:[1] handing in someone else's work as your own; copying someone else's words or ideas without crediting the source (paraphrasing without crediting the source); failure to place a quotation in quotation marks; providing incorrect information regarding the source of a quote; changing words but copying the sentence structure of a source without giving credit; and copying so many words and ideas from a source that it makes up the majority of your work, whether you credit your source or not.

In most cases, plagiarism can be avoided by citing the sources you have used. Simply citing the work you have consulted so that others may also consult that source, will usually be sufficient to prevent plagiarism.

Paraphrasing (see above) is a rather grey area, and it is sometimes difficult to know when one is verging on plagiarism. Plagiarism has serious consequences and you should therefore always be extremely careful in respecting the standard referencing and quoting techniques. A reasonable guideline is to always indicate in some way or another the source of an idea or argument, no matter to what extent you feel you have put it in your own words. **Copying and pasting from the Guidance Text into your answer constitutes plagiarism and will be considered as such should it happen on this course**.

Where it is suspected that candidates have not submitted their own work, or where there is evidence of candidates having plagiarised the work of others, steps will be taken to immediately terminate the course of such candidate (in which case no refund whatsoever will be made). Before a candidate is charged with dishonesty or plagiarism, the allegation and available evidence will first be considered by the Course Committee. If the Course Committee is of the opinion that there is a case to be answered, the candidate concerned will be provided with an opportunity to respond to any allegations made. The candidate's response will be considered by the Course Committee when determining the issue. After consideration of the charge and the candidate's response, the Course Committee's decision will be final, whatever the Course Committee's decision may be.

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[1] Source: www.plagiarism.org.

Aspects to bear in mind when answering assessments

The assessments for each module are broken down into constituent parts, as follows:

- Multiple-choice type questions (10 marks or 20% of the assessment);

- Direct questions (10 marks or 20% of the assessment);

- Essay-type questions (15 marks or 30% of the assessment);

- Application-type questions (15 marks or 30% of the assessment).

When answering essay-type questions you may make reference to your sources or add additional text by way of footnotes or you may include your source in parentheses after each statement. Below are some pertinent issues you should bear in mind when answering essay-type and possibly also when answering application-type questions.

Some notes on referencing

References to books should include: name of author, title of book, place of publication: publisher (year of publication), page(s) (for example, Fletcher, Ian F, *Insolvency in Private International Law,* Clarendon Press, Oxford (2005), p 123).

Example of a reference to a chapter of an edited book: Harmer, RW, UNCITRAL Projects; INSOL International, in: Fletcher, IF, Mistelis, L, and Cremona, M (eds), *Foundations and Perspectives of International Trade Law*, Sweet & Maxwell, London (2001), pp 480-495.

References to journals should read: name of author, title of article (in inverted commas), title of journal, issue number journal, page(s) (or you may use the order of citation suggested by the source itself). For example, Westbrook, Jay, "Multinational Enterprises in General Default: Chapter 15, the ALI Principles, and the EU Insolvency Regulation", 76 *American Bankruptcy Law Journal* 2002, p 1ff.

References to materials taken from the internet should include the full, working URL and the date the site was accessed. Campbell, Andrew, "Issues in Cross-Border Bank Insolvency: The European Community Directive on the Reorganization and Winding-Up of Credit Institutions", at <<www.imf.org.external/np/leg/sem/2002/cdmfl/eng/campb.pdf>>, accessed 6 July 2007.

English spelling and grammar

Please use the grammar and spell checker on MS Word to ensure the content of your assessment is correct. Lecturers / markers understand that people from a variety of jurisdictions are doing the course, so we do not expect perfect English to be used in the assessments. However, when signing up for the course you did check the box saying you are proficient in the English language, so your answers must at least be intelligible.

If footnotes are used

References to the sources / literature / cases you are using for the completion of an assessment, as well as any additional comments you wish to make that are not directly relevant to what you are discussing, may be cited in footnotes at the bottom of each page (not end notes, which appear at the end). Where a reference in a previous footnote is exactly the same as the next footnote, you may use *ibid* instead of repeating the previous footnote. Where the source in a footnote is the same in a previous footnote, but a different section, article, page

number etcetera is being cited, you may use *idem*, followed by the new section, article or page number you are referring to.

Quotations

Please note that you should always acknowledge the work you use in your assessments. If you in any way use or elaborate on somebody else's work, you should make that clear through a reference in a footnote or in parentheses after the statement you have made. Literal quotations must be placed in quotation marks. If a quote is longer than two lines, it may be indented from both sides. The use of quotations should be limited as far as possible.

8. Module Guidance Text Authors

The name of the authors for the Guidance Texts appear in the front pages of each Guidance Text. The authors are a mix of academics and practitioners who are all regarded as experts in their field. A large number of INSOL Fellows are involved in the course and have authored a good number of the texts.

9. Upon Completion of the Course

At the end of a year cycle (which runs from 1 September to 31 August each year), after all the marks have been processed, each registered candidate will receive a personalised e-mail setting out the candidate's results for the year. For those candidates who have elected to complete the course in one year, the e-mail will also set out whether or not they have passed the course.

Successful candidates' certificates will be posted to them by the end of September in the year in which they meet the requirements for the Foundation Certificate.

Successful candidates' names will also be listed on the INSOL International website. Candidates are requested not to make enquiries about their certificates before the end of September in the year they have completed the course.

10. Concluding Remarks

This Course Handbook should be read in conjunction with the information on the Foundation Certificate web pages. If you have any questions that are not dealt with in the pages of this handbook, or on the Foundation Certificate web pages, please contact the Course Leader at david.burdette@insol.org.

Near the end of the course, registered candidates will be requested to complete and submit an evaluation form covering various aspects of the course. The responses will be used to improve on the presentation and content of the course materials for future course.

<table>
<tr><td colspan="2" align="center">11. Frequently Asked Questions (FAQs)</td></tr>
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Listed below are some frequently asked questions with the best course of action provided. These have been prepared based on the experience of presenting the 2019/20 course.

QUESTION	ANSWER
Who do I contact if I experience problems on the course?	Please contact the Course Leader at david.burdette@insol.org. Please **do not** use the info@insol.org e-mail address as it may take a while to get a response.
I am unable to submit an assessment by the due date.	No extensions are granted for the submission of assessments in any circumstances. If you are unable to submit an assessment, please ensure you submit the remainder of your assessments by the due dates. If the assessment that could not be submitted is the only assessment needed to pass the course, a re-sit assessment will be granted in September / October, after the course has completed. If you are unable to upload (or fail) more than one assessment, you will have to enrol for a second year in order to complete the assessments for those modules.
I submitted my assessment in accordance with the instructions but did not receive an e-mail acknowledging receipt.	First check your junk / spam folder to ensure the e-mail was not filed there. If no e-mail has been received, contact the Course Leader immediately by e-mail.
I tried to submit my assessment, but the "Upload Document" button was no longer visible and as a result I was unable to upload my assessment.	If the "Upload Document" button is no longer visible, the assessment submission portal has already closed. Please do not wait until the last minute before uploading your assessments. Ensure that you upload your assessments with plenty of time to spare as you never know when there could be a power or Internet outage. The "Upload Document" button is set to disappear at exactly 11 pm on the day the assessment is due.
How will I be informed of developments on the course?	The Course Leader will post updates on the Course Administration page from time to time. Please consult the Course Administration page on a regular basis.

I have sent an e-mail to the Course Leader but I have not received a response for a number of days. What should I do?	If there is a delay in responding to e-mails, it either hasn't reached the Course Leader or you did not quote your student number. Please quote your student number in all correspondence regarding the course. The Course Leader usually responds to e-mails on the same day, next day latest. If the Course Leader is away from the office or travelling, there will always be an out of office response informing you of this fact. If after two days no response has been received, try e-mail again or calling the INSOL office.
When can I expect to receive my marked assessment back?	Marked assessments are returned to candidates no later than three weeks after the closing date for the relevant assessments. No enquiries should be made in regard to the return of assessments until twenty-two days after the formal submission date (not twenty-two days after you submitted the assessment).
I have received my marked assessment back but I am dissatisfied with my mark. What course of action is open to me?	In such a case you must e-mail the Course Leader setting out why you are dissatisfied. In the first instance the Course Leader will look at the assessment in order to ensure that no errors have occurred in arriving at the final mark. If in the Course Leader's opinion the mark is correct, you may request a re-mark of a script (see above in the Handbook where this is discussed). There is a fee of £30 payable for a re-mark.
I have to submit my compulsory assessments by 1 March 2021, but I am unsure of my module selections. Where can I find this information?	When your application for a place on the course was approved, your received an automated e-mail setting out your module choices. These are listed under "compulsory modules", "elective modules" and "additional modules".
Where do I find my student number?	See the answer to the previous question. In the e-mail referred to above, your student number is also provided. Your student number will be in the following format: 202021IFU-XXX (with XXX representing the consecutive number allocated to you when you applied). The format of student numbers for candidates from the 2019/20 course, will be 201920IFU-XXX.

I have taken Modules 2A and 3B as compulsory Modules and Modules 2B and 3A as elective modules. When must I submit my assessments for these modules?	Modules 2A, 2B, 3A and 3B are all classified as compulsory modules on the course, but can also be taken as elective modules where the relevant module has not been selected as a compulsory module for the purpose of meeting the compulsory module requirements of the course. In this specific case, you would **have to** submit the assessments for Modules 2A and 3B (your choice of compulsory modules) by 1 March 2021. The assessments for the two modules you have selected as elective modules (Modules 2B and 3A) can be submitted on either 1 March 2021 or 31 July 2021 (but not both).