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Decision in Dutch**

EXAMINATION APPEALS BOARD

No. 2025/02/1197

THE EXAMINATION APPEALS BOARD

Ruling on the appeal by [appellant], [student number], against the assessment of the test of the subject Applied Programming for AI with the mark 6.5 given by M. Verano Merino, examiner (hereinafter: respondent).

I. Course of the proceedings

On 23 August 2024, the appellant lodged an appeal with the Examination Appeals Board (hereinafter: the Board) against the respondent's decision of 24 July 2024. On 26 August, the Board asked the Examination Board of the Faculty of Science to explore in consultation with the appellant and the respondent the possibility of an amicable settlement of the dispute. On 12 September 2024, a meeting took place between the appellant, the respondent and the Examination Board. No amicable settlement was reached. The Examination Board submitted a statement of defence on 23 September 2024. The appeal was heard at the hearing of the Board on 9 December 2024. The appellant was present at the hearing. On behalf of the respondent, B. Postma appeared. On behalf of the Examination Board, Dr V. de Boer (interim chairman of the Examination Board for Computer Science) and S. van Dorresteyn (official secretary) were present.

II. Facts

Based on the documents and the proceedings at the hearing, the Board assumes the following facts.

The Appellant received the result for the test of the subject Applied Programming for AI from the Respondent on 24 July 2024. The test was graded 6.5. The Appellant had initially failed to meet the requirements to pass the Coding Interview section, as he had not uploaded his work (code) in the designated GitHub. The course manual stipulated that it was not possible to resit the course. However, the defendant decided that the appellant was allowed to resit the subject and offered the appellant a resit on July 24, 2024. In assessing the subject, the defendant applied a correction to the appellant's final mark by not awarding a bonus point, multiplying the final mark by 0.8 and stipulating that the final mark for the subject could not exceed 8.0.

III. Views of the parties

Appellant's position

The appellant disagrees with the respondent's marking of the subject Applied Programming for AI because, in his view, the marking was not properly done. He also argued that the final mark for the course had not been calculated in accordance with the formula used in the manual, so that the final mark was wrongly lowered as a result.

The appellant had initially failed the Coding Interview component because he had not placed his code in the GitHub intended for that purpose. It was not clear to the appellant that this was a requirement to obtain a pass for the Coding Interview; this would not have been made clear to him by the tutors, nor was it included in the study guide. The appellant was under the impression that he had to share the code as part of the participation component of the subject and that he only had to be able to explain the code at the Coding interview, for which he was also prepared. However, the appellant was told that he could take a resit and that not having uploaded his code in GitHub would not cause any problems.

The appellant argues that he was not able to prepare properly for the resit because he was informed about it only two days before taking the resit Coding interview. There were no special circumstances that would have allowed him to ask for the resit to be postponed. Therefore, the appellant took the resit at the proposed time. Despite the short preparation time, he completed the interview with a passing grade, but it turned out afterwards that he had been awarded a lower grade because he had not performed well during the interview, he had to take a resit of the interview and he had not participated sufficiently in the project in period 6, the appellant said.

It was not clear to the appellant prior to retaking the Coding interview that a different grade calculation would apply to him than the formula given in the study guide. This only became clear to him after he sought clarification from the respondent about the assessment and the making of his grade. The appellant felt it was wrong that a different calculation of the final mark applied to him. It was not made clear to him beforehand that not sharing his code in GitHub would result in a lower grade. The appellant felt that the final mark should also be calculated according to the formula in the study guide for the resit awarded by the respondent.

Defendant's position

The Respondent maintains its assessment of the test of the subject Applied Programming for AI with the mark 6.5. The defendant explains that Applied Programming for AI is a subject that requires students to write a code. As part of the subject, students have to take a Coding interview, in which they have to explain the code. This can test whether students have written the code themselves and therefore have not used tools that are not allowed (such as generative AI). A pass or fail mark can be obtained for the Coding interview, and obtaining a pass mark for the Coding interview is required for successful completion of the entire course. The study guide stipulated that retaking the Coding interview was not possible. Students were also required to share their code with their individual contribution in the GitHub on a weekly basis. The first and only lecture at the beginning of the course explicitly mentioned that the code had to have been shared in the GitHub prior to the Coding interview. This allowed the teaching assistant to study the code in advance and prepare concrete questions for the interview.

Three students, including the appellant, initially failed the Coding interview. The subject Applied Programming for AI is being offered for the first time this academic year and therefore the design of the subject was evaluated by the respondent. The respondent decided to offer the three students a resit, stipulating that they would not receive a bonus point and could not obtain a grade higher than 8.

The Respondent explained that the appellant was on the verge of receiving a failing grade for the Coding interview, but that the Respondent took into account the circumstances under which the interview was conducted. It was clear to the Respondent that the appellant had a poor internet connection and that he did not perform adequately during the interview due to stress and the short preparation time. Moreover, the Respondent points out that prior to the resit, the appellant did not protest or raise concerns about the short notice of the resit date. Ultimately, the Respondent chose to give the appellant a passing grade for the Coding interview component, but not to award the previously earned bonus point, multiply the final grade by 0.8 and determine that the final grade could not exceed 8.0.

Position of the Examination Board

The Examination Board takes the position that the assessment was established according to the formula and conditions set by the defendant for resitting the test. The Examination Board has established that this procedure was properly followed and that the final mark (the grade 6.5) was correctly established.

IV. Considerations of the Board

The appellant's appeal was lodged in good time and also meets the legal requirements for it.

The Board first notes that its jurisdiction is limited to assessing whether the examiner's decision is contrary to law (section 7.61, second paragraph, of the Higher Education and Scientific Research Act (WHW)). The Board therefore tests whether the assessment was properly made and whether the assessment is not manifestly unreasonable in terms of content.

The case concerns the assessment of the test of the subject Applied Programming for AI with the mark 6.5, given by the defendant.

The manual for the subject sets out the weighting of the various components of the test and how the final mark for the subject is calculated. The manual states that the Coding interview section must be passed with a pass mark to pass the subject and that it is not possible to retake the Coding interview section. A formula is included for calculating the final mark.

Although the course manual states that the Coding interview component must be passed with a pass mark in order to pass the course and that it is not possible to resit this component, the respondent decided to offer three students, including the appellant, a resit opportunity for this component. In that decision, the respondent stipulated that the students who retake the Coding interview component would not receive a bonus point for the subject and could not obtain a final mark higher than 8.0. As a result of the appellant's resit in particular, the respondent decided to give him a pass mark for the Coding interview component despite his unsatisfactory performance, but to multiply the final mark for the subject by 0.8, in addition to the conditions previously imposed.

The conditions attached to retaking the Coding interview component were not made known to the students by the Respondent in advance.

The Board is of the opinion that the Respondent did not conduct the assessment in accordance with the rules set out in the subject manual. The assessment criteria and method of assessment should be known to students in advance. The fact that the deviating conditions for calculating the final mark for the resit were not made known to students in advance when the defendant decided to offer a resit, and thus in the opinion of the Board, is contrary to reasonableness. Therefore, the Board will annul the Respondent's decision to assess the resit of the subject Applied Programming for AI with the grade 6.5. The Respondent should take a new decision and conduct the assessment in accordance with the assessment criteria and calculation (formula) of the final mark as stipulated in the course manual.

The above considerations lead to the following ruling.

V. Ruling

The Board upholds the appeal, sets aside the examiner's decision and orders the examiner to, within two weeks of the publication of this decision, take a new taking into account what has been considered in this ruling.

Done in Amsterdam, on 15 January 2025, by Prof P.J. Huisman, Prof. J.J. Beishuizen and S.L.M. Bekkenutte, members, in the presence of S.A. Snoeren, secretary.

Prof. P.J. Huisman,
chairman

S.A. Snoeren,
secretary

An appeal against a decision of the Examinations Appeals Board may be lodged by the person concerned with the Administrative Jurisdiction Division of the Council of State, PO Box 20019, 2500 EA The Hague, the Netherlands. The period for submitting a notice of appeal is six weeks. A Safe Mail web form can be used. A court fee is payable. See www.raadvanstate.nl/studentzaken.