



EXAMINATION APPEALS BOARD

No. 2021/22/989

THE EXAMINATION APPEALS BOARD

Ruling on the appeal of [Name], student number [student number], hereinafter the Appellant, lodged against the decision taken on 5 November 2020 by the Examination Board of the Faculty of Science of VU Amsterdam, hereinafter the Respondent, to award the Appellant a zero (0) for Computer Programming and to give the Appellant a warning.

I. Course of the proceedings

On 18 December 2020, the Appellant lodged an appeal with the Examination Appeals Board, hereinafter the Board, against the Respondent's decision of 5 November 2020. On 18 December 2020, the Board forwards the appeal to the Respondent along with the request to enter into consultations with the Appellant to see whether this dispute could be settled amicably. The Respondent invited the Appellant for a meeting on 26 January 2021. An amicable settlement did not prove possible. The Respondent filed a written defence on 19 February 2021. The appeal was heard at the Board's session on 18 March 2021 via video conferencing. The Appellant was present during this session. Prof. I.O. Iosup and drs. P.S. Kuiper, Secretary, were present on behalf of the Respondent. The parties explained their positions orally.

II. The facts

Based on the documents and the matters presented at the hearing, the Board has taken the following facts into consideration. The Appellant is following the Bachelor's degree programme in Computer Science and has to hand in assignments for the Computer Programming course. The Appellant posts a request for help on GitHub two days before the submission date of assignment 6.2. On 22 October 2020, the examiner of Computer Programming reports a suspicion of academic misconduct or plagiarism to the Respondent. Another student submitted an identical code for the assignment. By decision of 28 October 2020, the Respondent gives notice that it intends to adopt a decision on that suspicion of academic misconduct or plagiarism. The Appellant is given the opportunity to respond to the documents submitted by the examiner. The Appellant does not dispute the fact that there is a similarity between the codes submitted by him and by his fellow student, however, according to him he did copy anything. On 5 November 2020, the Respondent decides that academic misconduct or plagiarism on the Appellant's part has been established and gives the Appellant a zero (0) as the mark for the assignment. The Appellant receives a warning. The Appellant received a pass mark for the course despite the zero (0) for the assignment.

III. Positions of the parties

The Appellant claims that he is allowed to seek help in making the assignments based on the Course Rules. He explained to the Respondent how he had asked for help. He cannot be blamed for the fact that another student took his code of the Internet.

The Respondent persists in its decision. The Appellant posted the code written for the assignment in violation of the provisions of the Course Rules. Contrary to the Appellant's assertion, this is not permitted.

IV. Considerations of the Board

The Appellant's appeal was lodged on time and also meets the statutory requirements. The appeal is therefore allowable.

Present case concerns the programming assignments which the Appellant must submit for the first-year's course in Computer Science. The 2020-2021 Examination Board's Rules & Guidelines of the Faculty of Science (R&G FoS) apply to the assignments and the ultimate examination, in this case specifically the Article on academic misconduct or plagiarism, namely Article 19 of the R&G FoS. Furthermore, the Course Rules set out what is expected of the participants in the course when completing programming assignments and how important it is that they do not publish or otherwise make available to fellow students the code that they write. The non-exclusive list of unacceptable behaviour explicitly mentions: "Storing or posting or publishing your assignment solutions in places (like Facebook or GitHub) where your fellow students can easily access them, before or after the respective submission deadline."

It is undisputed between the Appellant and the Respondent that the Appellant submitted a code to be assessed by the examiner, which is identical to the code submitted by another student. The Appellant sought help for his assignment on GitHub, which is a global platform for programmers. GitHub has a publicly available online environment and has the option of privately exchanging Q&As with other people.

The Appellant and the Respondent disagree as to whether the manner in which the Appellant sought help for his assignment on (the publicly available part of) GitHub was permissible or whether he did so improperly. The Course Rules are clear in this respect. The Course Rules do not intend for a code that has been written by a student to be published, on GitHub or elsewhere. It is acceptable to seek help via GitHub, however, this has to be done in such a way that fellow students cannot gain access to the code written by the Appellant. The Appellant has handed screenshots showing how he is asking for help and what the given answers are to his request for help. The screenshots do not show that the Appellant has shielded both his question and the code that he had written from his fellow students. Given that the Appellant states that he submitted his own written code for the assignment, the Board assumes that the fellow student who submitted an identical code found it on the publicly available part of GitHub. By making his work available to his fellow students, the Appellant acted in contravention of the Course Rules. The Respondent thus had good grounds for establishing that this constitutes academic misconduct or plagiarism and was right to do so in accordance with Article 19(1) of the R&G FoS.

The second argument made by the Appellant in appeal was that he did not intentionally give his code to another student. He cannot be held responsible for the fact that a fellow student apparently took his code of (the publicly available environment of) GitHub. Whether the Appellant deliberately posted his code on (the publicly available online environment of) GitHub is not the subject of the Respondent's investigation and decision. The issue is that by posting the code on (the publicly available environment of) GitHub, the Appellant, partially or entirely, prevented the examiner from being able to assess the knowledge and skills of both the Appellant and the other student. The question whether this was done intentionally by the Appellant is not relevant for the decision that he acted in contravention of the rules. The Appellant's appeal is also unfounded on this aspect.

The Respondent imposed the following penalty on the Appellant. He was given a zero (0) for the assignment as well as a warning. The Board considers this lenient measure to be appropriate given the significance of the violation.

The Board's above considerations lead to the following ruling.

V. Ruling

The Board rules that the appeal is unfounded.

Delivered in Amsterdam on 12 May 2021, by Prof. F.J. van Ommeren, Chair, Dr M.J.E. van Tooren and Dr J.B. Legradi, members, in the presence of F. Donner, Secretary.

Prof. F.J. van Ommeren,
Chair

F. Donner,
Secretary

An appeal against a ruling by the Examination Appeals Board may, accompanied by the proper justification, be lodged by the relevant party with the Higher Education Appeals Tribunal, PO Box 16137, 2500 BC The Hague. The period for lodging a notice of appeal is six weeks. The filing fee is €49.