

# The New York Times

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## *Yale Students Tangle With University Over Website*

By ARIEL KAMINER JAN. 21, 2014

The idea did not seem controversial at first: Peter Xu and Harry Yu, twin brothers who are seniors at Yale University, set out to build a better, more user-friendly version of the university's online course catalog. But as Mark Zuckerberg found when he decided to build a better version of Harvard's undergraduate student directory, these things can take on a life of their own.

Yale shut down the brothers' website last week, helping to turn a local campus issue into something of a civil rights cause. Now, after a few days of controversy, a similar tool is up and running, and it appears to be Yale that has gotten a schooling.

The brothers said they were tired of the university's "clunky" online catalog, which made it hard to see how students from previous semesters had evaluated courses. So in December 2012, Mr. Xu and Mr. Yu, both computer science majors, came up with their own version.

They called it Yale Blue Book +, or YBB+, a reference to the Yale Blue Book, a course selection website that other students had developed and sold to the school a couple of years ago.

"We wanted it to be faster to use," Mr. Xu said. On his site, he continued, "You can click on a course, you can see its description, you can see what other students have said about it — all in a few clicks." In particular, students could sort courses by numerical ratings given by students in previous semesters, and see what courses their Facebook friends were looking at.

It was a success: Last semester, 1,840 students — more than a third of the undergraduate student body — used it to choose their courses, the brothers said. Which is why they were shocked when they got a letter on Jan. 7 from the registrar describing YBB+ as "a big problem."

University administrators said they were concerned that the site was available to people who were not Yale students, that it gave undue prominence to the numerical ratings without including the descriptive evaluations that went with them, and that it infringed on Yale trademarks. Mr. Xu and Mr. Yu wrote to the registrar offering to fix those three things, along with "4. Anything else you want."

But Yale opted for more decisive action: It shut the site down.

To Mr. Xu and Mr. Yu, that seemed like a violation of free speech — a right held dear by both academics and Internet activists, many of whom rallied to the brothers' cause as The Yale Daily News, The Washington Post and other news organizations reported on the shutdown.

Brad Rosen, a lecturer in Yale's computer science department who teaches "Law, Technology and Culture," said the debate got at a central tension of contemporary life. "Different stakeholders have different assumptions about how information is going to flow," he said.

As petitions circulated, Sean Haufler, another senior in computer science, built a workaround that made the administration's disapproval effectively irrelevant.

Over the course of 12 hours, Mr. Haufler figured out how to give users of the older Yale Blue Book all the same functions that YBB+ offered — in a way that the university had no power to block. While he was at it, he wrote a blog post that began, "I hope I don't get kicked out of Yale for this." The post went viral. Since then two advocacy groups, the Foundation for Individual Rights in Education and the Electronic Frontier Foundation, have posted messages of support on Twitter, as have officials at Harvard, Columbia and M.I.T., among others.

On Monday evening, Yale backed down.

"In retrospect," Mary Miller, the dean of Yale College, wrote in an open letter to the Yale community, "I agree that we could have been more patient in asking the developers to take down information they had appropriated."

She said that Yale had not violated anyone's free speech, but "questions of who owns data are evolving before our very eyes. Just this weekend, we learned of a tool that replicates YBB+'s efforts without violating Yale's appropriate-use policy, and that leapfrogs over the hardest questions before us. What we now see is that we need to review our policies and practices."

Mr. Haufler said the experience had been unexpectedly educational. After graduation, he intends to work at a start-up. As for what project he has in mind, that is one idea he is keeping under his hat.

### **Correction: January 21, 2014**

An earlier version of a picture caption with this article misstated the surname of one of the twin brothers who built a version of Yale's online course catalog. As the article correctly stated, he is Harry Yu, not Harry Xu. (His twin, Peter Xu, has a different surname.)

A version of this article appears in print on January 22, 2014, on page A18 of the New York edition with the headline: Yale Students Tangle With University Over Website They Built.



January 19, 2014

## Yale censored a student's course selection website. So I made an unblockable replacement

I hope I don't get kicked out of Yale for this.

In January 2012, two Yale students named Harry Yu and Peter Xu built a replacement to Yale's official course selection website. They called it YBB+ (Yale Bluebook Plus), a "plus" version of the Yale-owned site, called Yale Bluebook. YBB+ offered different functionality from the official site, allowing students to sort courses by average rating and workload. The official Yale Bluebook, rather, showed a visual graph of the distribution of student ratings as well as a list of written student reviews. YBB+ offered a more lightweight user interface and facilitated easier comparison of course statistics. Students loved it. A significant portion of the student body started using it.

Fast-forward **two years**. Last Friday (1/10/14), Yale blocked YBB+'s IP address on the school network without warning. When contacted, Yale said that YBB+ infringed upon Yale's trademark. Harry and Peter quickly removed the Yale name from the site, rebranded it as CourseTable and relaunched. Yale blocked the website again, declaring the website to be malicious activity.

Later that weekend, Yale's administration told the student developers that the school didn't approve of the use of its course evaluation data, saying that their website "let students see the averaged evaluations far too easily". Harry and Peter were told to **remove the feature from the CourseTable website or else they would be referred to the school's punishment committee**.

On Tuesday, Harry and Peter published a blog post explaining Yale's censorship policy and the Internet exploded. The post hit the front page of Reddit and the top of Hacker News. The Washington Post and Techcrunch covered the story. Around the world, commentators decried Yale's censorship as a freedom of speech violation. The world waited as Yale's administration was silent for three days.

Finally, Mary Miller, the Dean of Yale College, wrote an open letter to Yale on Friday night. In this letter, she **defended Yale's decision** to censor Harry and Peter's website and course rating functionality, stating:



Hi, I'm Sean, a senior studying CS and Economics at Yale. In the past, I worked at Google as an APM and Foursquare as a software engineer.

*"[Yale's course] evaluations... became available to students only in recent years and with the understanding that the information they made available to students would appear only as it currently appears on Yale's sites — in its entirety."*

Worded less diplomatically, it appears the Dean of Yale College is expressing to students that, **"You can use our course evaluation data, but only if you view the data as we tell you to view it"**.

Before you get out your pitchforks, there is one more piece to this puzzle: Yale also told Harry and Peter that the CourseTable website infringed upon the school's copyrighted course data. It appears to be true; CourseTable hosted Yale's course descriptions and student evaluations, or, if not the exact evaluations, they at least hosted derivations of them.

This copyright assertion, however, reeks of hypocrisy and inconsistency. Yale Bluebook, the official course selection website, was originally a student-made website **that used the same data as CourseTable**. Apparently, the student creators of Yale Bluebook received a *de facto* license to use Yale's copyrighted data when they designed their site in a manner that Dean Miller felt was "appropriate".

Hypocrisy or not, Yale's copyright assertion appears to be somewhat valid. Although one could argue that the CourseTable website constitutes transformative fair use, I'm told that Yale does have a copyright to its course descriptions. This is an unfortunate outcome, since Yale's copyright assertion muddles the argument that Yale's actions violate Peter and Harry's freedom of speech.

The story does not end here, however, since there's a way to distinguish the freedom of speech issue from the copyright claims. What if someone made a piece of software that displays Yale's course evaluation data in a way that Yale disapproves of, while also (1) not infringing on Yale's copyrights or trademarks, (2) not storing any sensitive data, (3) not scraping or collecting Yale's data, and (4) not causing damages to Yale's network or servers? If Yale censors this piece of software or punishes the software developer, it would clearly characterize Yale as an institution where having authority over students trumps freedom of speech.

Guess what? I made it last night.

I built a Chrome Extension called Banned Bluebook. It modifies the Chrome browser to add CourseTable's functionality to Yale's official course selection website, showing the course's average rating and workload next to each search result. It also allows students to sort these courses by rating and workload. This is the original site, and this is the site with Banned Bluebook enabled (this demo uses randomly generated rating values).

Banned Bluebook never stores data on any servers. It never talks to any non-Yale servers. Moreover, since my software is smarter at caching data locally than the official Yale course website, I expect that students using this extension will consume *less bandwidth over time* than students without it. Don't believe me? You can read the source code. No data ever leaves Yale's control. Trademarks, copyright infringement, and data security are non-issues. It's 100% kosher.

Sean Haufler

Sort results by Department  Show descriptions

CPSC 101 Great Ideas in ComputerScience Staff	Canceled QR
CPSC 112 Introduction to Programming Yang R Yang	MWF 11:35-12:25pm QR
CPSC 151 The Graphical User Interface David Gelernter	MW 11:35-12:50pm WR
CPSC 185 Control, Privacy & Technology Brad E Rosen	F 3:30-5:20pm SO, WR
CPSC 201 Intro to Computer Science Dana C Angluin	MWF 11:35-12:25pm QR
CPSC 223 DataStructres&ProgmmngTechnqs Stanley C Eisenstat	MW 1:00-2:15pm QR
CPSC 290 Directed Research	1 HTBA

My intent behind Banned Bluebook is to demonstrate two points to Dean Miller and the Yale administration:

- If Yale grants students access to data, the university does not have the right to specify exactly how students must view the data.
- Censorship through IP blocking and Deep Packet Inspection is not only unethical, it's also futile.

Dean Miller, I humbly request that you, on behalf of Yale, either uphold or deny students' right, under school policy, to build software like Banned Bluebook.

If Yale affirms this right, I'd like you to publicly apologize for the events that have transpired over the last week, including Yale's censorship of CourseTable and the pattern of hypocrisy we've seen in Yale's copyright enforcement of course data.

If Yale denies this right, I'll see you at the punishment committee.

Sean Haufler Log out

Sort results by Department  Show descriptions

CPSC 101 Great Ideas in ComputerScience Staff	Rating 4.0 Work 2.4 Canceled QR
CPSC 112 Introduction to Programming Yang R Yang	Rating 4.6 Work 3.9 MWF 11:35-12:25pm QR
CPSC 151 The Graphical User Interface David Gelernter	Rating 3.1 Work 2.9 MW 11:35-12:50pm WR
CPSC 185 Control, Privacy & Technology Brad E Rosen	Rating 2.7 Work 2.3 F 3:30-5:20pm SO, WR
CPSC 201 Intro to Computer Science Dana C Angluin	Rating 3.8 Work 4.7 MWF 11:35-12:25pm

# CROSSCAMPUS

UNIVERSITY | 7:01 pm | January 17, 2014 | By Yuval Ben-David

## Miller pens open letter on YBB+

With news of the YBB+ closure making it to the pages of the Washington Post and beyond, and an online petition opposing the shutdown gathering nearly 700 signatures, Dean of Yale College Mary Miller has decided to go public on the issue, drafting an open letter to the Yale community which will soon be posted on the Dean's Office website.

In the letter, Miller grants that although the developers of YBB+ acted with "good intentions" and that the site's closure came at a bad time, YBB+'s violated Yale's acceptable use policy. Moreover, while Miller acknowledges the claims that blocking the site comes at a cost to freedom of speech, she asserts that the right to free speech does not entitle the illegitimate use of University resources.

Miller also suggests that the University objected to the manner in which YBB+ quantified instructor evaluations, decoupling the quantitative parts of a teacher evaluation with their written counterparts. When teacher evaluations were made available to student, administrators and faculty members had reached an understanding that the evaluations would be displayed holistically, Miller writes, adding that YBB+ undercut that agreement.

The full text of the letter is below:

January 17, 2014

To the Yale Community:

This past week, students in Yale College lost access to YBB+ because its developers, although acting with good intentions, used university resources without permission and violated the acceptable use policy that applies to all members of the Yale community. The timing for its users could not have been worse: over 1,000 of them had uploaded worksheets during the course selection period and relied on those worksheets to design their course schedules. And the means for shutting down the site immediately — by blocking it — led to charges that the university was suppressing free speech.

Free speech defines Yale's community; the people who belong to it understand that they are entitled to share their views just as they must tolerate the views of others, no matter how offensive. The right to free speech, however, does not entitle anyone to appropriate university resources. In the case of YBB+, developers were unaware that they were not only violating the appropriate use policy but also breaching the trust the faculty had put in the college to act as stewards of their teaching evaluations. Those evaluations, whose primary purpose is to inform instructors how to improve their teaching, became available to students only in recent years and with the understanding that the information they made available to students would appear only as it currently appears on Yale's sites — in its entirety.

Members of the YCDO and the University Registrar met this week with the developers, and to good end: the developers learned more about the underlying problems with using data without permission, the importance of communicating in advance with the university on projects that require approval and cooperation, and some of the existing mechanisms for collaborating with the university, among them the Yale College Council. Administrators, for their part, heard more about the demand for better tools and guidelines for the growing number of student developers, the need for a better approach to students who violate the acceptable use policy — in most cases unwittingly — and the value students place on information contained in teaching evaluations. All parties agreed to work toward a positive outcome, and they remain in conversation with each other to that end.

Mary Miller

Dean of Yale College

Sterling Professor of History of Art