

**An Analysis of the Freedom of Expression Policy
in Higher Education**

by

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A thesis submitted to the
School of Graduate and Postdoctoral Studies in partial
fulfillment of the requirements for the degree of

Master of Arts in Education

Faculty of Education

University of Ontario Institute of Technology (Ontario Tech University)

Oshawa, Ontario, Canada

May 2020

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THESIS EXAMINATION INFORMATION

Submitted by: Charanjeet Singh Batra

Master of Arts in Education

in the **Faculty of Education**

Thesis title: An Analysis of the Freedom of Expression Policy in Higher Education

An oral defense of this thesis took place on May 6, 2020 in front of the following examining committee:

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The above committee determined that the thesis is acceptable in form and content and that a satisfactory knowledge of the field covered by the thesis was demonstrated by the candidate during an oral examination. A signed copy of the Certificate of Approval is available from the School of Graduate and Postdoctoral Studies.

ABSTRACT

This study examines free speech policy in general and specifically the free speech policy at one institution of higher education in Ontario, Canada, in order to better understand the complex interconnectedness between human rights and freedom of expression. The detailed, rigorous analysis of free speech policy was guided by Pal's (2014) policy analysis framework, which encourages investigations of the normative, legal, logical and empirical aspects of a policy. The normative policy aspects include basic values and ethical principals underlying free speech policy. Also included here are Rogers' (1969, 1995) *freedom to learn* within the context of humanistic education theory. The legal aspects include an examination of human rights and legal rights in Canada and Ontario. Logical analysis considers the paradoxes such as the paradox of tolerance (e.g. Habermas, 2003). The empirical elements of this study include a survey of students at one university asking about free speech and empathy. Students were also invited to engage in a knowledge co-creation activity working in an online community. This policy analysis framework provided a comprehensive way to investigate free speech. One unique contribution of this research is its cross-disciplinary approach to existing fields such as policy, law, humanistic education and technology. It explored new hitherto less-investigated relationships of free speech with empathy. The findings of this study indicate that a cross-disciplinary approach provides a comprehensive lens to understand the complexities of free speech and to inform related education research and policy analysis.

Keywords: free speech; higher education; Ontario; empathy, policy analysis

AUTHOR'S DECLARATION

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CHARANJEET SINGH BATRA

STATEMENT OF CONTRIBUTIONS

This study was performed at Ontario Tech University (UOIT) in the Faculty of Education under the supervision of Dr. Roland vanOostveen and Dr. Lorayne Robertson. I used LimeSurvey that was hosted on the servers of the Educational Informatics Laboratory (EILab).

Example 1

I used the LimeSurvey application to design and implement a questionnaire on free speech that was adapted from a survey conducted by the Higher Education Policy Institute (HEPI) of the UK.

Example 2

I used another survey, the Interpersonal Reactivity Index developed by Davis (1980) to measure empathy. I also used Knowledge Forum v.6 (KFv.6) platform, a community building online tool. The Institute of Knowledge, Innovation and Technology (IKIT) developed it (Scardamalia & Bereiter, 2017). I used KFv.6 within the Fully Online Learning Community (FOLC) model framework to engage students in a collaborative co-creation of knowledge on free speech related activity.

ACKNOWLEDGEMENTS

I would like to acknowledge inspiration and support that I have received from Dr. Roland vanOostveen and Dr. Lorayne Robertson for the completion of this thesis. I am indebted to them and all those, in various roles and responsibilities, who, were as a part of the global village, helped and supported this research project. Supporting resources and help came from Canada, the US, the UK, Japan, and India.

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LIST OF ABBREVIATIONS AND SYMBOLS

HEPI	Higher Education Policy Institute
HEQCO	Higher Education Quality Council of Ontario
FIRE	Foundation of Individual Rights in Education
OHRC	The Ontario Human Rights Code
The Charter	The Canadian Charter of Rights and Freedoms
UDHR	The Universal Declaration of Human Rights
UNESCO	United Nation Education Science and Culture Organization

Chapter 1. Introduction

1.1. Free speech policy in Ontario

The development of a precise definition of the term *free speech* is a work-in-progress at higher education institutions in Ontario (Government of Ontario, 2018). The Universal Declaration of Human Rights (UDHR) (United Nations, 2015) describes *freedom of expression* as a fundamental freedom and it means to be able to express thoughts, opinions, ideas, and beliefs. The term is used more from a legal perspective as enshrined in the Canadian Charter of Rights and Freedoms(1982) (the Charter) and from a policy perspective through the Freedom of Expression policy of Ontario Tech University (2018), hereafter, the OntarioTechU policy (2018) with classification number LCG 1140.

An analysis of this recently announced OntarioTechU policy Freedom of Expression policy (2018) is the focus of this research. It may be helpful to distinguish broadly between freedom of expression and free speech. Haworth (1998) argues the use of *free speech* as a colloquial term instead of *freedom of expression*. Political public communications within Ontario (Government of Ontario, 2018) and outside, for example in the United Kingdom (Parliament. House of Commons, House of Lords, 2018) have used free speech in the same way.

Prior to a recent policy announcement in Ontario, there were questions asking whether higher education campuses provided more privileged expression rights to some groups compared to other groups and how campuses could accommodate free speech and safe, secure spaces (Lewis, 2018). These questions received attention in the media and

academic institutions. The topic of free speech has heated up and engaged various stakeholders such as faculty, students, staff, management, on-campus guest speakers, education administrators, policy analysts, unions, political advocacy groups and media in conversations to find answers to the question (Baer, 2019; Campus Freedom Index, 2019; Centre for Free Expression, n.d.; Dea, 2018; Macdonald, 2018; Newhouse, 2018; Strossen, 2018).

In August 2018, the Government of Ontario (2018) made a policy announcement to uphold free speech on campuses of higher education institutions in Ontario. The policy required universities and colleges to prepare and implement, effective January 1, 2019, a policy of free speech, including a definition of free speech, based on the University of Chicago's Principles of Freedom of Expression, that advocate free and uninhibited debate (Office of the Premier, 2018). The Chicago principles are known as the "Chicago Statement" (University of Chicago, 2014). The implementation of the free speech policy could affect the future funding approval for these institutions. The Government of Ontario (2018) asked the Higher Education Quality Council of Ontario (HEQCO) to conduct research and evaluation on the policy (Government of Ontario, 2018). As a starting or working thesis for this study, these above stated developments generated interest in finding answers to questions such as how and what do students think about free speech in Ontario's higher education institutions.

According to (Ben-Porath (2017), free speech policy initiatives could lead to critical reassessments of prevailing admissions and curriculum practices, in view of the renewed opportunities and challenges. These developments also align well with the United Nations Education Science Culture Organization's (UNESCO, 2016) new vision

for education through the Education 2030 Incheon Declaration. This policy aims to ensure that, through higher education institutions, there are equal opportunities and access to inclusive and equitable quality education with a particular emphasis on gender equality (UNESCO, 2016).

More recently, the first annual report on free speech by HEQCO (2019) has discovered from these submitted reports by the higher education institutions that the required “fundamental supremacy of free speech over civility” (the Chicago statement)(p.2) were in adequately demonstrated (HEQCO, 2019, p.2). Some argue that the Ontario might “make that a mandatory requirement of the policy” (Cameron, 2020, p.11).

1.2. Definitions

The following definitions are used in this study. These are provided in an alphabetic order with citations to guide the reader.

Empathy: “The state of empathy, or being empathic, is to perceive the internal frame of reference of another with accuracy and with the emotional components and meanings which pertain thereto as if one were the person, but without ever losing the 'as if' condition” (Rogers, 1995, p. 140).

Freedom to learn: means “To experience freedom of choice, freedom of expression, freedom to be” (Rogers, 1969, p.74).

Fully Online Collaborative Learning (FOLC) model: “A group of people with a common language and common area of interest (community) who interact exclusively through digital technology (fully online) with the shared objective of

constructing knowledge (constructivist learning)” (vanOostveen, DiGiuseppe, Barber, Blayone & Childs, 2016).

Inclusive Freedom: means “a commitment to the robust protection of free expression, including the expression of those who could be marginalized, silenced, or excluded from full participation” (OntarioTechU policy, 2018, p.1).

Policy Analysis: “the disciplined application of intellect to public problems” (Pal, 2014, p.35).

1.3. Free speech as a global issue

Similar to conversations related to freedom of expression in Ontario, interest and concerns have been expressed also in Canadian provinces such as Alberta (Justice Center for Constitutional Freedom, 2018), and Quebec (Loreto, 2018). There are global concerns about free speech expressed in other countries such as Australia (Martin, 2019), the United Kingdom (UK) (Hillman, 2016; Parliament. House of Commons, 2018; Spiked-Online, 2020), Germany (Revers & Traunmüller, 2019) and in the United States (US) (Ben-Porath, 2017).

In addition, there are organizations that engage in advocacy for free speech policy for example within Ontario (Center for Free Expression) and in Canada (Justice Center for Constitutional Freedom). In the US, there is the Foundation for Individual Rights in Education (FIRE) and the Knight Foundation, and in the UK (HEPI, Spiked-Online). Some of these are in favour of unrestricted speech (FIRE, Center for Free Expression; Spiked-Online), whereas others focus on promoting more safety and inclusion of diversity in higher education (Knight Foundation).

Organizations holding both of these types of views regularly conduct survey research on the state of free speech in higher education institutions. In the US, a recent poll revealed that students value diversity and inclusion more than free speech (Knight Foundation, 2018). However, FIRE (2018) reports that free speech rights on higher education campuses are becoming restricted. Abrams (2018) reports that faculty overwhelmingly support free speech rights (Abrams, 2018).

Free speech has dimensions that show the depth of the concept. These include: (1) freedom of speech and expression, (2) freedom from any kind of discrimination, (3) academic freedom, (4) the need for safe spaces, (5) consideration of trigger warnings, (6) encouraging on-campus debates, (7) challenging ideas, (8) respecting students, (9) inviting or cancelling guest speaker events (Hillman, 2016; Rose-Krasnor & Webber, 2018; Welshon, 2019; Zine, 2018). These dimensions are explored in the present study.

1.4. The positions in the free speech debate

There are people and groups who think that the problem related to freedom of expression is overrated and there is no crisis on campuses (Dea, 2018; Naughton, 2017, Ramlo, 2018; Turk, 2018), however, when considering the dimensions of free speech, two opposing sides and a third alternative emerge clearly.

Position 1: There are those people and groups who think that there is a serious problem of free speech intolerance (Campus Freedom Index, 2019; Lawrence, 2017, Moon, 2018).

This side advocates free speech, with no sensitivity, no protection, and the liberty to express openly – even, opposing views (Ben-Porath, 2017).

Position 2: The other side seeks protection for marginalized and excluded groups and aims to have restrictions imposed on free speech in an effort to prevent further marginalization and concerns about re-victimization (Ben-Porath, 2017).

To show these positions in context, Schauer (2019) summed up the free speech debate within the context of higher educational institutions in the US. Most of the contemporary events at universities (e.g., at Berkeley, Virginia, Florida, Columbia and others) have involved speakers from the political right who have met opposition from those in the audience who subscribe to views on the political left (Schauer, 2019). Within the Canadian context, Platt (2017), a political observer for the National Post, observes a similar right-wing, left-wing divide as the underlying cause of the heated debates on free speech issues.

In Ontario, Bill C-16, which is about adding gender identity and gender expression as prohibited grounds for discrimination, has fuelled the debate. People on the right-wing side (Position 1) consider it radical left-wing indoctrination (Platt, 2017). In other words, political affiliations are a notable factor while framing and understanding free speech policies. Prevailing views in both camps have political overtones.

Position 3: Ben-Porath emphasized this third position: the concept of “inclusive freedom” (Ben-Porath, 2017, p.29; OntarioTechU Policy, 2018, p.2). This position lines up with a renewed social mission of universities to address the needs of a diverse population of students and in the pursuit of truth through open and free inquiry, research and teaching. In other words, the new role of universities calls for a commitment to protect free speech that also protects marginalized students and thus provides an inclusive freedom (Ben-Porath, 2017; Linda Rose-Krasnor, 2018; The OntarioTechU Policy, 2018) for every

learner. Since, the OntarioTechU Policy (2018) has a well documented embedded inclusive freedom statement, this study has considered the concept of inclusive freedom as the third option.

In summary, unlike its American counterpart, the Canadian legal approach to freedom of expression builds also on equality and multicultural values reflective of Canada's pluralistic vision. An egalitarian conception of rights is reviewed in relation to other rights when any conflict arises (Gaudreault-DesBiens, Ntaganda & Karazivan, 2019; Roach & Schneiderman, 2014). This way, the Canadian legal system and OntarioTech U Policy (2018) are supportive of inclusive freedom. This seems to indicate a connection between inclusive freedom and principle of content neutrality. "The courts have applied the principle of content neutrality in defining the scope of section 2(b), such that the content of expression, no matter how offensive, unpopular or disturbing, cannot deprive it of section 2(b) protection (Keegstra, *supra*). Being content-neutral, the Charter also protects the expression of both truths and falsehoods (Canada (Attorney General) v. JTI-Macdonald Corp., [2007] 2 S.C.R. 610 at paragraph 60; R. v. Zundel, [1992] 2 S.C.R. 731 at paragraph 36; R. v. Lucas, [1998] 1 S.C.R. 439 at paragraph 25). Freedom of expression includes more than the right to express beliefs and opinions. It protects both speakers and listeners (Edmonton Journal v. Alberta (Attorney General), [1989] 2 S.C.R. 1326)" (Department of Justice, Charterpedia, 2019; Walker, 2010).

1.5. The purpose of the study

At the present time, there is insufficient literature that documents or addresses a comprehensive understanding of the free speech policy within the context of higher education, particularly in Ontario. There are studies, for example on legal scholarship

(Strossen, 2018), a review of case law on trigger warnings (Donlevy et al., 2019), and on tolerance (Davies & Reed, 2019). However, it has been difficult to locate research on the free speech policy, and several interrelated other dimensions of free speech that could shed some light on the connections and tensions among the identified free speech dimensions, including the relationship between free speech and empathy in the educational setting. This study thus addresses these gaps by making an addition to the minimal body of existing literature on free speech, particularly in the context of Ontario. This study also aims to explore some possible practical solutions.

This study aims to explore the concept of freedom of expression in the context of higher education, specifically at OntarioTechU using Pal's (2014) policy analysis framework to gain insights about legal, policy, teaching, learning and technology. These domains intuitively emerged as relevant to the study from the initial analysis of the freedom of expression policy document of OntarioTechU, the review of the literature. The work of Rogers (1969) and how technology might adopt his work to benefit teaching and learning emerged. Two core principles emerged, freedom to learn and empathy. The study was designed to analyze the Freedom of Expression policy using Pal's (2014) policy analysis framework to organize the research, map the literature and guide the analysis.

The study explored the following research questions:

Q.1. How might policy on free speech be analyzed in different domains in order to learn more about the policy and potential solutions?

Q.2. What do students at Ontario Tech University think of free speech?

Q.3. What can be learned about the relationship between free speech and empathy?

Q.4. How does some knowledge of the free speech policy impact student empathy

at one higher education institution in Ontario?

Revers & Traunmüller (2019) argue that there is a need to build empirical evidence on the role played by universities to encourage civic learning and explore what learners think about free speech, particularly when views can be divergent, controversial and opposite. This policy analysis employed multiple methods, and multiple stages of data collection. The first step was the analysis of the freedom of expression policy of Ontario Tech University; second was the review of the related literature on free speech in the context of higher education in Ontario and outside at provincial and international levels. The qualitative analysis led to the design of a case study on framing and understanding an incident of free speech at a university in Ontario; and a compatibility and appropriateness analysis of free speech at Ontario Tech within the thematic organization and framework of legal-policy, education and technology.

The quantitative research included an anonymous survey based on the HEPI instrument (Hillman, 2016) with an embedded Inter-personal Reactivity Index (IRI) scale of empathy level measurement (Davis, 1980) that had 250 respondents. Following this, three groups of four students participated in a knowledge-building activity in a Fully Online Learning Community (FOLC), (vanOostveen et al., 2016) where they posted messages and submitted presentations. Afterward a pre-post empathy survey had no significant results, but some empathy patterns emerged. The empirical research referenced in this study did not become central to the thesis.

1.6. The significance of the study

New policies, particularly policies that impact students in higher education, should be examined for their origins, their intention and their impact on students. This study builds a strong argument that freedom of speech at a university requires solid protection

of diversity and inclusion along with a guarantee of freedom of speech because this is the essential nature of higher educational institutions. Higher education institutions need to provide a safe environment to discuss, explore, evaluate and challenge ideas so that learners can engage in critical debates with no limitation or fear of consequences.

Rogers (1969) believed such inclusive freedom to learn is better understood by exploring its relationship with empathy - which means to think about others. It envisions allowing everyone involved in learning the freedom to choose and to learn (Rogers, 1969). In other words, making empathy a central principle associated with freedom to learn is similar to engaging in inclusive freedom that excludes no one, allowing all to share their perspective, as discussed above in any discourse or opportunity of free speech.

This study investigated empathy as an interconnected concept within “inclusive freedom” (OntarioTechU Policy, 2018, p.2). According to the policy, inclusive freedom “means a commitment to the robust protection of free expression, including the expression of those who could be marginalized, silenced, or excluded from full participation” (OntarioTechU policy, 2018). Due to Canada’s pluralistic vision, the Canadian legal system is supportive of freedom of expression that seems to align with the concept of inclusive freedom. “Freedom of expression includes more than the right to express beliefs and opinions. It protects both speakers and listeners (Edmonton Journal v. Alberta (Attorney General), [1989] 2 S.C.R. 1326)” (Charterpedia, 2019). This research has established new connections among freedom to learn, empathy and inclusive freedom.

Chapter 2. Literature Review

2.1. Policy analysis framework

While there are many theoretical approaches to policy analysis such as logic models and critical theory (e.g., Ozga, 2000; Winton & Tuters, 2015), this study employed Pal's (2014) policy analysis (Figure 2.1) to address multiple inter-related dimensions. Pal (2014) advises that an analyst needs to be aware of a constant entanglement among four domains: power, politics, policy, and communication. Policy and communication require sincere effort and focus, while power and politics should be left for others. Therefore, this study undertook a sincere analysis of three dimensions: process, content and outcomes using four analysis categories: (a) normative, (b) legal, (c) logical and (d) empirical reasoning (Pal, 2014, p.19) to understand Ontario's free speech policy. This study specifically analyzed Ontario Tech U's Freedom of Expression policy (2018) based on Pal's (2014) policy analysis framework.

Pal (2014) defines public policy as "a course of action or inaction chosen by public authorities to address a given problem or interrelated set of problems" (p. 35). He defines policy analysis "as the disciplined application of intellect to public problems" (Pal, 2014, p.35). Rather than speculating about how a policy works or why a policy was proposed, policy analysis uses established methods to examine a policy and discuss the findings (See Figure 2.1: Four Types of Reasoning applied to Policy Analysis) and uses Pal's policy analysis approaches as a framework for this study.

The *normative* aspect of policy analysis (Section 2.2) looks at the basic values or ethical principles that are present or not present in a policy (Pal, 2014). Some of the concepts to be analyzed with respect to free speech include freedom of expression and

free speech. Humanistic learning and freedom to learn are included here. The *legal* aspects (Section 2.3) include an examination of how the policy aligns with other policies such as the Ontario Human Rights Code (1990) and the Charter (1980). The logical aspects (Section 2.4) of the policy include an examination of the philosophical paradoxes in a policy. The *empirical* aspects of a policy (Section 2.5), in this case, point to the need for more research.

Figure 2.1 below illustrates this policy analysis framework.

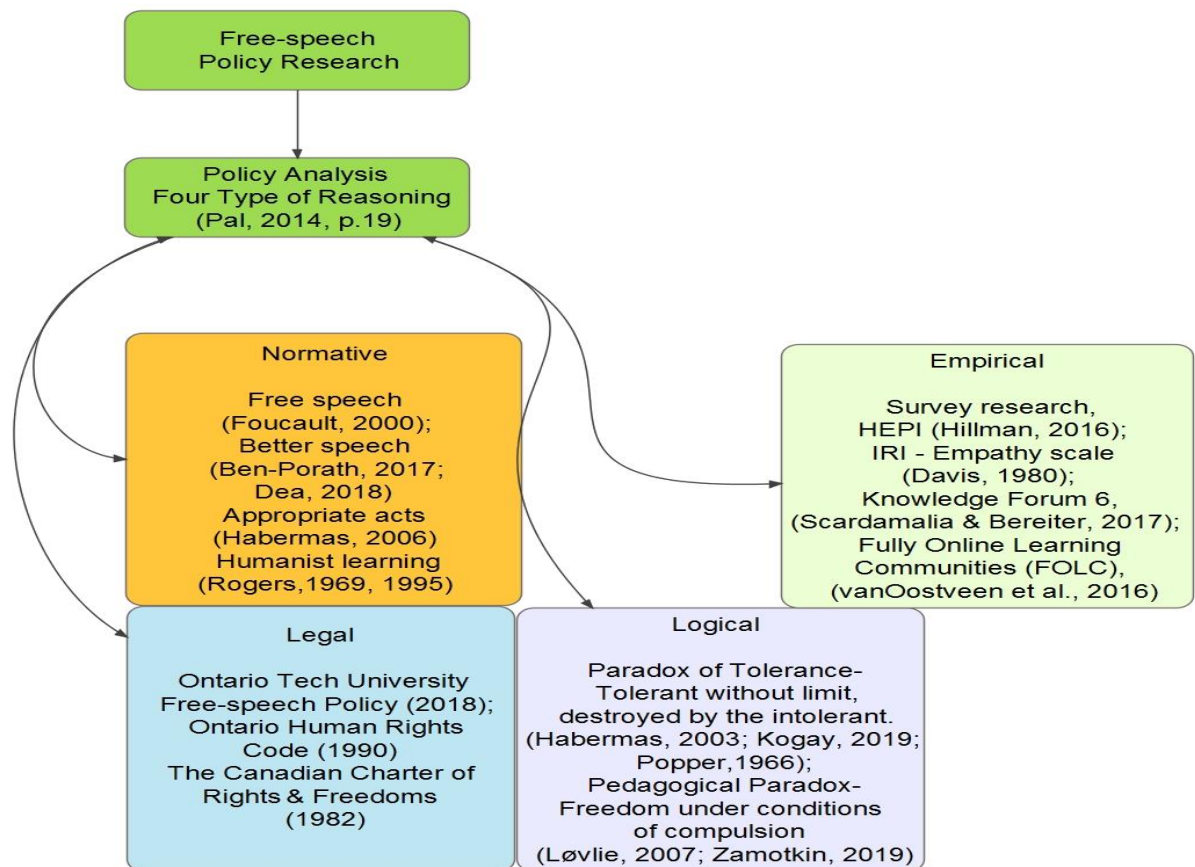


Figure2.1 Policy Analysis Framework: Four categories

2.2. Normative elements of policy analysis

The normative aspects of this policy analysis include an examination of what is

meant by free speech, freedom to learn and humanistic learning. Foucault (2001) traces the meaning of free speech in Greek antiquity literature and finds a word, *parrhesia*: it relates to speaking the truth. There are some related elements to this act. These include frankness, truth, risk or danger of telling the truth, criticism and duty. The speaker of free speech or *parrhesia* expresses an account of what is in the mind of a person in a frank and open manner (Foucault, 2001). Casual conversation does not cover the speech acts. Instead, the speech act is when a speaker courageously speaks the positive truth. Others there might perceive these as dangerous from what the majority believes (Foucault, 2001).

Therefore, free speech and speech acts have an intrinsic value as a function of criticism. Speakers regard it as a duty to speak the truth to power (Foucault, 2001). However, the problem of free speech, speaking the truth or sharing criticism, is established by not only by pure frankness or courage to speak “but the precise sort of personal training or education needed is also an issue” (Foucault, 2001, p.73). Dea (2018) adds that the problem of free speech is more about learning and training. The role of teacher is supportive to the learner's needs so that they are trained to produce “better speech” (Dea, 2018, p.6). Habermas describes an ideal situation when communication between people meets the basic criteria of sharing views based on reason and evidence without any coercion (Habermas, 1991).

When speech uses free speech principles it is a courageous, upfront pronouncement that has reason and evidence. This can be learned with educational training. In an education setting, Rogers (1969) describes these as empathic communications that consider others’ perspective. These acts do not hurt others but

instead are performed in trust and confidence between the individual and others.

There are theories and arguments that provide basic values or ethical principles to understand freedom of expression. Based on the works of Neto (2019), Moon (1985), and Mill (2001) the following five principles are shortlisted. When introducing a policy, the following provide answers to aspects that might be considered in the normative aspect of policy analysis:

- 1) Personal autonomy- freedom to think and form opinions,
- 2) Self- fulfillment,
- 3) The search for truth (in the context of higher education),
- 4) Deliberative democracy- for participation in the democratic process, and
- 5) As a check on governments' powers.

Ontario Tech's policy on free speech states that the “[F]reedom of Expression means the free expression of ideas and perspectives through a variety of media, including text, performance, images, or the spoken word (free speech), either virtually or physically, by individuals or group” (OntarioTechU Policy, 2018, p.1). The term freedom of expression is used more in the legal, theoretical and particularly Canadian context (The Charter, 1982; Scanlon, 2018). The term *free speech* has been used in communication by the Provincial Government of Ontario (2018) to denote freedom of speech in post-secondary institutions. Beginning, January 2019, every college and university in Ontario was required to define free speech and develop a free speech policy that addressed the needs of various stakeholders, including on campus visiting speakers (Government of Ontario, 2018).

van Mill (2018) points to the problem encountered while providing a clear definition of these terms, particularly, the term, free speech. The term “free speech” (p.1) is not ideal. The “free” part skews the discussion in favor of those who oppose regulation, and the “speech” part puts the focus on the spoken word. Nevertheless, “the discussion

embraces wider communication including art, writing, films, plays, flag burning, and advertising” (p.1). To sum up these arguments, van Mill (2018) believes that free speech is used as a political prize. It is a barrier for those holding opposite political agendas to meet their political objectives (van Mill, 2018, p1). In other words, when political groups are in power they use free speech as a political prize to serve their interests and promote their particular agenda.

Warburton (2009) uses the term free speech without restricting its meaning and scope when compared with freedom of expression. As a spoken word, free speech has a restricted meaning. It focuses only on the speech aspect. However, the term expression has a wider range of meanings. It includes the written word, art, paintings, and media. Therefore, according to Warburton (2009) free speech includes both speech and expression.

Haworth (1998) argues that the term free speech should be used as a “colloquial and familiar” term (1998, p. 8). Similar to these suggestions, Baer (2019) argues that, in the context of a university, free speech can only be meaningful when it addresses issues of equality. Barendt (2007) and Badamchi (2014) believed and used freedom of expression and free speech interchangeably. This study also used the terms freedom of expression and free speech interchangeably.

Freedom of speech has rich historical traditions and great significance. Foucault (2000) points to it as a part of critical traditions in the West. According to Foucault, it dates from the end of the 5th century BC to the 5th century AD. Continuing with these ancient traditions, several scholars summarize Voltaire’s view by attributing Voltaire

with saying, “I disapprove of what you say, but I will defend to the death your right to say it” (Haworth, 1998, p.39; Tallentyre, 1906, p.80; Warburton, 2009, p.13).

From a legal and policy analysis perspective, although a conversation related to freedom of expression dates back to ancient Greeks, relatively recent historical evidence on the protection for free speech comes from the Swedish Press Act of 1766, which is reported as the world’s oldest constitutional protection (Edström, Kenyon & Svensson, 2016).

2.2.1. Humanistic education theory as a normative aspect.

Bloom (1987) argued that higher education has failed democracy and impoverished the souls of today's students. Central to this argument was the idea that the university is inadequately positioned as a space committed to intellectual freedom where investigations without restrictions are allowed (Bloom, 1987). UNESCO has a different vision for education, through the Education 2030 Incheon Declaration. The declaration is a framework for action to accomplish an inclusive and equitable education for all with a particular emphasis on gender equality and restructuring higher education. It is a strategic change from the earlier mission of the UN that focused on free education and accessible higher education. Now, the aim of education has enhanced to include full development of human personality and promotion of mutual understanding, tolerance, and friendship (UNESCO, 2016).

UNESCO’s vision aligns with Rogers’ (1969) work on humanistic education. For the purpose of this study, humanistic education theory is defined in terms of Rogers’ (1969) two central principles: 1) freedom to learn and 2) empathy.

The term humanistic education is frequently used (Aloni, 2007) as a foundational theory for adult learning (Merriam, 2018) and for management education with a humanistic foundation (Giudici, Dettori, & Caboni, 2020). Post World War II, there have been pioneering efforts by various educators to contribute and develop humanistic education as a part of educational theories and practices. Noddings's (2001) caring encounters are similar to Rogers's concept of empathy within encounter groups (Ben-Porath, 2006; Zaky, 2018, Rogers, 1969).

Under the principles of humanistic education theories, Aloni (2007) describes four approaches. These are: 1) the cultural-classical, 2) the naturalistic-romantic, 3) the existential and 4) the critical-radical approach. This study has adopted the fourth approach. It aligns most closely with Rogers' (1969) concepts of freedom to learn and empathy. This framework explores the thoughts and perceptions of learners on free speech in relation to empathy. According to Aloni (2007), the humanistic psychology of Maslow and Rogers provides a "theoretical basis for humanistic education" (Aloni, 2007, p.40-41). This approach addresses the desire to learn and the learning opportunity to explore human optimum potential that leads to self-actualization, nurtures creativity, the goals of empowerment and emancipation of learners. In this way, Rogers' (1969) work is positioned close to Aloni's (2007) critical-radical approach. Also, Rogers' humanistic education theory connects UNESCO's (2016) reinforced vision to allow learning opportunities so every learner can explore their optimum potential.

Based on the above conversation, the humanistic orientation to learning or humanistic education and humanistic psychology are connected (Aloni, 2007). The following authors further help re-establish a connection between these two. According to Patterson (1977),

although Rogers (1969) did not personally use the term humanistic to designate his approach to education, nevertheless, the term is used to refer to the philosophy of education which was developed by Rogers (1969) as a framework for the humanistic education (Patterson,1977). The concept developed by Rogers (1969) is that freedom to learn or freedom to choose to learn and self-directed learning have real meaning. The free inner man is responsible for human behavior (Rogers, 1969). In the contemporary context, free people are responsible for their own behaviour.

Smith (2004) described Rogers (1969) as a “gifted teacher” (para 1) and a humanist (American Humanist Association, 2008),who provided a compelling explanation of Rogers’ (1969) orientation in his work, Freedom to Learn (Smith, 2004, para1). Both Aloni (2007) and Smith (2004) concur that Rogers’ contributions in the field of humanistic psychology are transferable to the field of education and particularly for learning in groups and classroom settings. His client-centred therapy principles apply equally to classroom settings in which the teacher’s role as facilitator helps student empowerment through self-directed learning (Aloni, 2007; Smith, 2004). In other words, for educators in classroom settings, Rogers’ (1969) free inner man has a real meaning and behavioural significance to the understanding and implementation of free speech related policy.

Freedom to learn is the first central principle of Rogers’ contribution to the theory of humanistic education. Rogers (1969) developed its conceptual framework as described in his foundational work. It implies on one hand a self-directed learning and freedom to choose to live and learn by choice. It is a phenomenological aspect of the inner self. Secondly, it does not exist as a contradiction to the psychological self; rather, it

complements the latter. It is a different dimension than a cause and effect relationship.

Freedom allows people to live to explore their optimum potentiality (Rogers, 1969).

In the contemporary context, UNESCO (2016) has reinforced Rogers' (1969) concept of freedom in higher education; humanistic learning builds on personal growth and achieving optimum potential (Biesta, 2018; Marriam, 2017). Biesta (2018) argued that education has emancipatory potential and there was a need to explore it. The Charter (1982) provides legal support opportunities for everyone to realize optimum potential. For Usher (2017) in the social practices of post modernity, "[A]utonomy, empowerment, self-expression and self-realisation are key signifiers" (Usher, 2017, p. 189).

Rogers' (1969) work has assembled pertinent dimensions about the learning process in education. In his work Rogers has asked and answered questions such as,

Can education prepare individuals and groups to live comfortably in a world in which ever-accelerating change is the dominant theme? Can educators meet the growing student revolt at the secondary and higher education level- revolt against the whole social value system, revolt against the impersonality of our institutions of learning, revolt against imposed curriculum? (Rogers, 1969, p.vi).

Rogers' (1969) encounter groups are collaborative learning spaces where freedom to enjoyed to ask, fearlessly and in trust to learning from the perspective of others. Five themes of his work are:

- 1) Freedom to learn (Rogers, 1969, p.342) *The first goal* promotes learning about freedom of thoughts, expression, and controversial issues and solutions.
- 2) Self-directed/student centered learning (Rogers, 1969, p 200) *The second goal* engages students to participate actively in practising and promoting free speech within the classroom and online learning environments, both in the school and in the

community by demonstrating civility. It also encourages teachers to flip their roles as facilitators and co-learners.

- 3) Teaching as facilitator (Rogers, 1969, p.75), where the student, not the teacher, is the focus
- 4) Self, self actualization and full potential (Rogers, 1969, p.22; p.166), and
- 5) The role of empathy (Rogers, 1969, p.159; 1995, p.138-140).

The fifth goal stresses the importance of understanding and demonstrating empathy by implementing and promoting responsible and respectful behaviour during interpersonal conversations and collaborative co-creation of knowledge in learning environments. By extending such practices throughout the education system, various stakeholders such as faculty, staff, management, guest speakers, parents, community members, and students may commit to the principles of freedom to learn, empathy, respect inclusion and tolerance for other human beings. Rogers (1995) concluded that a high degree of empathy in a relationship is possibly the most potent factor that can bring a change in learning outcomes.

Rogers (1969) pointed out that a person might believe that every citizen has equal rights, however, when it comes to implementing and respecting the rights of others, people fail. Rogers (1969) suggested the trainability of empathy through education institutions, as a solution to address these conflicts and inequalities that arise due to changing social values (Rogers, 1969).

Some of the current debate of free speech is about these changing social and pedagogical values, such as use of people's emerging awareness of gender identity and

how they are labelled using specific pronouns (Lewis, 2018), provisions for a safe space (Turk, 2017) or trigger warnings (Donlevy, et al., 2019) and various other free speech related dimensions discussed earlier. This connects with Rogers' exploration of human optimum potential through learning so that such sensitive issues of opposing perspectives get amicably addressed (Rogers, 1969).

Giudici et al. (2020) believed that in the context of higher education, these questions raised by Rogers (1969) are still relevant today and beg answers after more than five decades. The digital students today require humanistic education for properly managing businesses. These are required to manage diverse teams. Prior learning and work-related knowledge from educational institutions also need soft skills training so that teams and leaders can cooperate successfully with one another. These are inevitable requirements. There is a necessity of a paradigm shift towards humanistic education (Giudici et al., 2020). Similarly, Joseph (2019) has explored Rogers (1969) humanistic principles and argued for their usefulness in the new field of positive organizational scholarship (POS) that positively helps individuals and organizations to perform better.

Similar to Rogers' (1969) perspective, Zaky (2018) emphasizes the importance of the development of inner self and character of students, their thoughts, feelings and emotions (Zaky, 2018). In order to implement the principles of freedom to learn and empathy, Patterson (1977) believed that Rogers' humanistic education approach would benefit both teachers and learners. Coming out of their traditional role as a teacher and adopting the new role as a facilitator would enable teachers to better listen to and address the needs of their students. Similarly, students will have the opportunity to share creative thoughts in free and empathic learning environments. These interactions would develop

better mutual relations with teachers becoming humanistic (Patterson, 1977).

A theoretical sub-framework that particularly considered Rogers' (1969) two central principles (freedom to learn and empathy) of humanistic education seemed appropriate to help understand the intent and implementation of a policy on free speech within the context of higher education. Rogers (1969) emphasis on freedom to learn, self- directed learning with opportunities to develop full potential are also at the core of proclamation of the United Nations General Assembly. UDHR, under an article 26.2 states that full development of the human personality requires directions from education. Respect for human rights and fundamental freedoms are outcomes of such directed education (United Nations, 2015).

Sharp (2011, p.1469) in *Encyclopaedia of the Sciences of Learning* entry on humanistic approaches to learning, suggests that, "The primary goal of humanistic education is human well-being, including the primacy of human values, the development of human potential, and the acknowledgment of human dignity...value freedom, reason, individual responsibility, compassion, empathy, and tolerance for others" (p.1469).

In sum then, Rogers' (1969, 1995) contribution to the humanistic education theory has two principles (a) freedom to learn, and (b) empathy. Rogers (1995) believed that despite overwhelming evidence, there was too little focus on the findings that empathy was important for a positive learning outcome Rogers (1995).Empathy is further explored in the Empirical Analysis section of this review of the literature.

2.3. The legal elements of policy analysis

Another dimension of policy analysis is legal analysis. The United Nations General Assembly in January 1946 passed a resolution at the first meeting of its constituent

States. It recognized freedom of information as a fundamental human right and “the touchstone of all the freedoms to which the United Nations is consecrated” (UN General Assembly, 1946, para 1) and freedom of expression as a fundamental human right (United Nations, n.d.). Heller and Hoboken (2019) have further clarified that freedom of expression has a direct relationship with the concepts of freedom of information and freedom of communication.

The following describes a connection and positions the freedom of expression at four levels: international, national, provincial and institutional. At the first level, the freedom of expression describes a fundamental freedom under human rights. It is enshrined in Article 19 of the UDHR (United Nations, 2015); at the Canadian national level it is enshrined in the article 2(b) of the Canadian Charter of Freedom and Rights, 1982 (Walker, 2010); at the provincial level it is a part of the Ontario Human Rights Code (1990), and at the institutional level it is a policy.

The following table sums up the legal analysis: It only indicates how various rights are mentioned in legal/policy documents. This organization of information is a minor element of the thesis.

Table 2.1. Overview of Rights – International, National, Provincial, and Institutional - reviewed in a developing framework of legal analysis for the freedom of expression policy of OntarioTechU.					
Type	Right	International	National	Provincial	OntarioTech U Policy, 2018
Civil	Right to freedom of thought, conscience and religion	Article 18 of the Universal Declaration of Human Rights (United Nations,2015)	Article 1 and 2 (a, b) The Charter of Canadian Rights and Freedom	The Ontario Human Rights Code, R.S.O.1990,c.H19,s.13 (2)	Connects to The Charter-Freedom of Expression (2(b)
Political	Right to freedom of expression	Article 19 of the Universal Declaration of Human Rights (United Nations,2015)			Connects to Provincial-Human Rights Code

Gaudreault-DesBiens et al., (2019) have conducted a quantitative analysis of the legal cases related to Freedom of Expression that came up for hearing in the Supreme Court of Canada. It provides insights into the state of free expression particularly for the past three decades or since the early days of the Charter (1982). They explored how consistently free expression was protected under the Chief Justice Beverley McLachlin, who championed free speech, and analyzed cases through a critical lens. Broadly, the study found that as a judge (nearly 60%, n=26) and later as the Chief Justice (44%, n =27) of the Supreme Court, McLachlin decided cases (n=53) in favour of the freedom of expression.

These legal researchers found differences in these reported broader proportions numbers, when the data was analyzed as commercial expressions, political expression, hate propaganda, falsehoods, and violent expressions, or freedom of press related expressions. Researchers concluded that that freedom of expression related section 2(b) should be read in accordance with sections 15 and 27 of the Charter (1982) respectively.

This would protect one's right to equality and Canada's multicultural heritage (Gaudreault-DesBiens et al., 2019). This foregoing empirical study was insightful in terms of understanding the prevailing practices on promotion and protection of freedom of expression in Canada through the decision made at the Supreme Court.

2.4. Logical analysis

A third aspect of policy analysis is logical analysis. For the process, content and outcome analysis, Pal's (2014, p.19) logical reasoning approach required the policy analyst to seek consistencies at various levels such as internal, vertical, and horizontal and to make meaning out of it. The following two paradoxes are logically insightful in further framing and understanding the freedom of expression policy of the Ontario Tech: the paradox of tolerance and pedagogical paradox.

Through the relationship of individuals with others, theoretically the problem of free speech is also tied to the "paradox of tolerance" as pointed by Popper (1966, p.543). According to the paradox, it is through the tolerance of intolerance, that a socially just tolerance is challenged. In other words, intolerance against any injustice or in other words, by speaking out freely, a tolerant, socially-just order for a society is built. This also implies that understanding what people do not tolerate is critical. In other words, learning about the point of view of others (Davis, 1983) can help establish a tolerant

order (Popper, 1966) in society. For Popper (1966) unlimited tolerance leads to the disappearance of tolerance.

There is another dimension to this conversation. It is Mill's harm principle. The principle states that a person is free to do anything as long as the way a person's action does not harm others. In other words, when we take into consideration Mill's harm principle even the use of power and actions of an individual are justified when it is rightfully used to prevent harm to other individuals. This means according to Mill's harm principle applied in the context of free speech, governance that acts to protect marginalized students in the context of higher education is justified.

Habermas (2003) observed this paradox of tolerance in two logical ways: (a) first people need to abandon their prejudice; the question of tolerance comes later; there needs to be a demand for equal rights instead of more tolerance; (b) van Mill's principle leaves no room for reciprocal tolerance because of the hierarchical manner in which the power is used.

In short, either side of the camps holding opposing views (Dea, 2018) on free speech or the third perspective of inclusive freedom (Ben-Porath, 2017; Rose-Krasnor & Webber, 2018) and its envisioning and inclusion in the OntarioTechU policy (2018) are similar to checks and balances to avoid situations leading to the paradox of tolerance. For making advances towards a socially just order (Popper, 1966), amidst changing social values (Welzel, 2013), an understanding of the paradox of tolerance is helpful.

Educational Considerations

According to Ben-Porath (2017), there are three key elements of the free speech debate. One side seeks unrestricted free speech. One side seeks protection, inclusion and

full participation. The third side seeks inclusive freedom that attempts to define and determines a level of tolerance between the two groups (Ben-Porath, 2017). Therefore, tolerance is one of the key elements that emerge from the debate of free speech.

The tension between these two opposing sides raises questions about tolerance of each other's perspective and to what extent. What are the characteristics of such relationships between those holding opposing views?

Within the context of education, Immanuel Kant initially pointed to the conditions of compulsion or tolerance that later came to be known as a pedagogical paradox (Lovlie, 2007). Zamotkin, (2019) describes that this paradox arises due to a change in the dynamics of the relationship between the student and the teacher when it ceases to be only pedagogical. The positioning of a teachers' role in a political power relationship with students can limit emancipation (Zamotkin, 2019). This positioning also ties to the concepts of freedom to learn and a need for an empathic pedagogical relationship (Rogers, 1969, 1995).

2.5. Empirical analysis

While there was a scarcity of literature on empirical measures of freedom of expression, there were elements in the literature that suggested how research might be carried out. The OntarioTechU Freedom of Expression policy has embedded the concept of inclusive freedom. It “means a commitment to the robust protection of free expression, including the expression of those who could be marginalized, silenced, or excluded from full participation” (OntarioTechU policy, 2018, p.2). It aligns with and connects well to Rogers' conceptual frames of freedom to learn and empathy within humanistic education theory. Empathy is measurable (Davis, 1980; Keaton, 2017) and has the advantage of

trainability (Lam, Kolomitro & Alamparmbil, 2011) within educational settings.

Measurement of empathy has the potential to address individual differences (Davis, 1980) and associated inequalities. Those marginalized or silenced (OntarioTechU policy, 2018) can be strengthened in the presence of empathic understanding. There is right to freedom and an inclusive responsibility which, when practiced, overcomes individual differences (Davis, 1983). In other words, it calls for mutual respect and tolerance within opposing scenarios that are characteristic of the free speech debate described in Chapter One.

People participating in such debates face challenges in learning and understanding the other's perspective. Measurement and trainability of empathy as explained above can develop and support empathic understanding among discussants. Davis (1983) developed an empathy tool that has a potential use as an educational intervention and to address (a) the problems related to the complexities associated with various dimensions of the concept of free speech and (b) particularly to address the heated exchange of differing perspectives that are part of free speech related incidents. Another potential implication and motivation to study empathy is the trainability component of empathy (Aspy, Roebuck & Aspy, 1984; Lam et al., 2011). Segal (2018) nicely sums up these arguments and suggests that by walking in the shoes of others, we build tolerance through insights that emerge from empathic interactions.

Both Davis (1980, 1983), who developed the IRI scale to determine empathy levels, and Rogers (1969, 1995) assigned great value and importance to the concept of empathy. Davis (1983) described empathy as a “tendency to spontaneously adopt the psychological point of view of others” (Davis, 1983, p. 114). On the other hand, Rogers (1995)

hypothesized a special way of being. He examined and re-evaluated relationship with others. Roger defined empathy as follows,

[T]he state of empathy, or being empathic, is to perceive the internal frame of reference of another with accuracy and with the emotional components and meanings which pertain thereto as if one were the person, but without ever losing the 'as if' condition' (Rogers, 1995, p. 140).

Most importantly, the 'as if condition' means feeling, thinking, and experiencing the same way as the other person would do. For Rogers, this special way of being is the least explored dimension of human psychology, and education (Rogers, 1995). Smith (2004) would see this connection and a strongly tied relationship between both free speech and empathy. Demetriou (2018) proposed a definition of empathy in terms of one's ability to take on the perspective of another person and to equip one with an awareness of another's thoughts, feelings, intentions and self-evaluations. Understanding and expressing empathy provides a solution to the complexities within the concept of freedom of expression (Demetriou, 2018).

Davis (1983) developed the Interpersonal Reactivity Index (IRI) scale to measure empathy as the "point of view of others" (p.114). There are four sub scales in the index: perspective taking (PT), fantasy scale (FS), empathic concern (EC) and personal distress (PD). These sub-scales have seven statements in each and are used to inquire about respondents' thoughts and feelings in a variety of situations (Davis, 1983, p.114). According to Fragkos, Sotiropoulos and Frangos (2019), IRI is one of the most used scales in empathy studies to investigate both cognitive and affective traits. IRI is a reliable scale; Keaton (2017) found that the IRI scale has met the validity and reliability

requirements when used to measure empathy for the past three decades.

For the purpose of this study, the meaning of freedom is derived from Rogers' (1969) "experience freedom of choice, freedom of expression, freedom to be" (p.74). This freedom is "essentially an inner thing" as distinguished from "outward choices of alternative" (p.74). Further, Rogers speaks about the meaning of freedom in terms of something that cannot be taken away even after taking a person prisoner. Even after taking all possessions and belongings, the person in prison still enjoys this inner freedom.

Based on extensive research spread over four decades, Rogers (1969) found it rewarding when freedom was provided to discussants in the learning or conversing groups and in classroom settings. He further argued,

For those who might find giving such freedom as 'risky' or 'dangerous', they could start by giving that degree of freedom which they 'genuinely' and 'comfortably' could offer and 'observe' the results. When such freedom is perceived by the participants and their partaking leader as 'real', in a group, or a classroom setting, they all can 'experience' freedom of choice, freedom of expression, freedom to be (Rogers, 1969, p.73-74).

Adapting his psychology and client therapist research into a classroom setting, Rogers (1969) suggests that for a facilitator, therapist or a teacher, "Trust is the important ingredient" (p.75) along with being sensitively empathic, when giving freedom to clients or participants. He argued, "Trust is something which cannot be faked" (p. 75). Such freedom provided even in a limited way without risking much will have positive "facilitating effect" (Rogers, 1969, p.75)

However, Nye (2000) analyzed and analyzed Rogers' perspective and argues that Rogers collected data for his research on freedom to learn by listening (or "verbalization") to his clients. This exposes his theoretical assumption to question the reliability and validity of this data. Thus, those who criticize Rogers's perspective find it challenging to be convinced that he remained objective in his observations of client's behaviour (Nye, 2000).

Teachers need to be open and students need to be "set free to pursue the learning" (Rogers, 1969, p.171). Rogers (1969, pp. 70-74) introduced the freedom to learn space as "encounter group"; it is a small group, that through intense interaction, allows participants to find out more about themselves and their relationships with others. "[I]n an encounter group I love to give, both to the participants and to myself, the maximum freedom of expression" (Rogers, 1969, p.71). Nye (2000) elaborates on the operational aspects of encounter group. The group facilitator role focuses on careful listening; accepting the presence of both the group and individuals, demonstrating empathetic understanding, and operating in terms of facilitators' own feelings (Nye, 2000).

Further Dea (2018) describes the interaction between participants as an opportunity for learning and training. It is also about developing better communication through better speech in which the role of teacher is supportive to learner's needs (Dea, 2018). In other words, encounter groups are interactive spaces that provide training for such empathic communications. As in the case of inclusive freedom (Ben-Porath, 2017; OntarioTechU policy, 2018), opposing perspectives are shared within the space of an encounter group. Here discussants have maximum freedom of expression and demonstrate a better empathic understanding in the communication with one another.

These encounter groups (Roger, 1969) connect with the requirements of inclusive freedom (Ben-Porath, 2017; OntarioTechU policy, 2018). Student bodies in various campuses are becoming diverse. Diversity affects the type of speech issues (Ben-Porath, 2017). Encounter groups have the potential of becoming dedicated spaces for speech acts that are logical, evidence based (Habermas, 2003) and shared in a frank and open manner (Foucault, 2000). Rogers' (1969) encounter group that provides "the maximum freedom of expression" (p.71) has a potential to engage participants and include diverse perspectives of the student body for new knowledge creation and idea improvement (Scardamalia and Bereiter, 2017).

Technology has the potential to meet the pedagogical merit of the freedom to learn, if Rogers' (1969) notion of freedom to learn is viewed in the context of online learning environments. For example, the FOLC model (vanOostveen et al., 2016) offers, through the creation of a *digital space*, facilitates collaborative creation of knowledge, democratic learning environments and use of technologies to provide opportunities for co-creation of that knowledge. This digital space, like an electronic sandbox, thus provides initial parameters to engage in freedom to learn and empathic conversations. The FOLC model (vanOostveen, et al., 2016) facilitates constant revisions during learning process. From a free speech perspective, opposing arguments and perspective could continue evolving until achieving a co-creation of an inclusive knowledge (vanOostveen et al., 2016).

As discussed earlier in the introduction, the free speech debate has three sides. One side focuses on unlimited free speech within the context of higher education. The second side seeks to protect marginalized and excluded people and groups. The third perspective, inclusive freedom, is the main driver and connector to two other opposing dimensions of

the free speech; it allows provisions of free speech with the inclusion of everyone (Ben-Porath, 2017; Campus Freedom Index, 2019; Dea, 2018; Lawrence, 2017; Moon, 2018; Naughton, 2017, Ramlo, 2018).

Ryback (2013) believes that participants' engagement and collaborative experiences in such conversations will enhance the decision-making skills of participants. Else, defenders of free speech will continue raising concerns from their perspective and those offended would continue to complain and seek restrictions on free speech. Using the FOLC should promote a respectful conversation allowing participants to share perspectives in an empathic manner and would benefit the resolution of issues.

The FOLC (see Fig. 2.2) is a transitional, social-constructivist model that addresses the growing need of digital learners and demand for addressing such needs from governments, business corporations, humanistic management and social-development organizations (Giudici et al., 2020). Both the humanistic theory of education and FOLC has several similarities that establish a solid compatible relationship between the theory and the model for this study. The FOLC model is founded on the ideals of human rights that include education, freedom, and equitable opportunities to learn.

In a learner-centred constructivist approach to education, learners are co-creators of knowledge along with their instructors. The FOLC model describes this type of dynamic online learning environment. Participation in communities built within these environments can have a democratizing effect (vanOostveen et al., 2016). In a way, these are the goals as described by Rogers' (1969) as essential components of humanistic theory. Rogers (1969) provided a highly practical framework "giving teachers specific channels through which they may risk themselves in experimentation with their classes"

(Rogers, 1969, p.vii). The teacher's role as per humanistic education theory is more of a *facilitator in a learner-centered environment*. vanOostveen et al. (2016) state that the FOLC model provides opportunities suitable in the context of the 21st century for the digital learners to experience a learning environment that continually redefines itself. The role of teachers and their relationship with learners is no longer defined in traditional hierarchical ways and does not exist within traditional power structures (vanOostveen et al., 2016).

Earlier empirical research conducted with FOLC framework were related to digital competencies, problem-based learning, collaborative learning environments and the dynamic of social presence. FOLC models democratize learning communities. Individuals co-create knowledge in their collaborative learning environment. Blayone et al. (2017) describes that learners shared both structure and control of the digital space conceptualized in FOLC. There are opportunities to respect diverse personal learning needs. This collaborative working improves performance (Blayone et al., 2017).

A humanistic perspective on learning focuses on individual growth and development. In an online learning setting such as a FOLC environment, this means with freedom to learn and discover full self-potential by collaborating with others and co-creating of new knowledge. Merriam (2018) positions that humanistic learning theory or humanistic education in principle is firmly lodged into three major foundational theories of adult learning: andragogy, self-directed learning, and transformative.

An individual in Rogers' framework of humanistic education is a self-directed individual who takes initiative, through mutual empathy help, and receive help from others Merriam (2018).

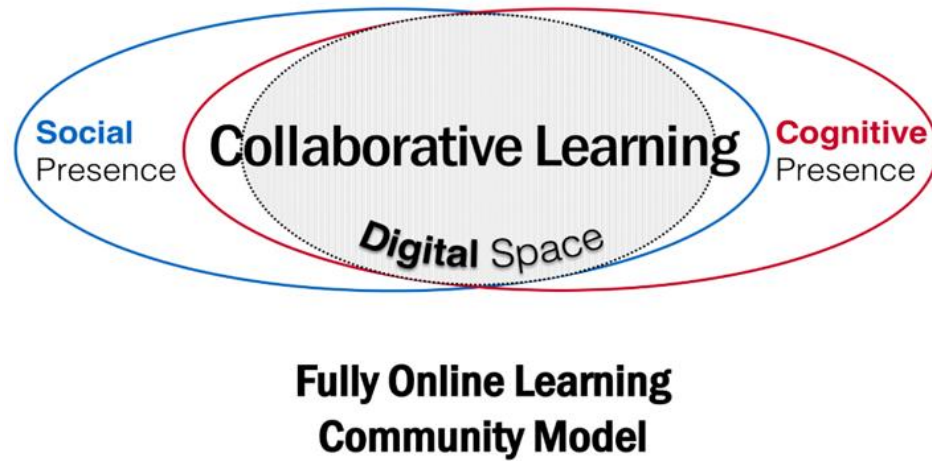


Figure 2.2 Fully Online Learning Community (FOLC) Model. Adapted from
vanOostveen et al. (2016).

The digital space perceived in the FOLC model enables knowledge co-creation within its required learning environment in a “collaborative constructivist manner” (p.3). vanOostveen et al. (2016) emphasized that operationalization of FOLC brings course contents, instructors, teaching assistants and students to participate and create a digital space, in which they use online technologies while they collaborate to co-create new knowledge and experience and enrich their learning community environment. Through these cognitive and social presences and engagement, the community experiences dynamic evolution and changes (vanOostveen et al., 2016).

To further support their model, vanOostveen et al. (2016) have concluded that “a dynamic and vibrant community can be established in fully online programs and that these communities can have a democratizing effect on their participant” (vanOostveen et al. 2016, p.9).

2.6. Summary – Literature review and theoretical frameworks

Pal's (2014) policy analysis framework includes four analysis dimensions that are used to examine a policy from different perspectives: normative, legal, logical and empirical. Normative reasoning looks at the basic values or the ethical principles that are associated with a policy. This review of the literature found that freedom to learn is a fundamental principle for everyone. It can be supported by the principles found in humanistic education.

Legal reasoning looks at which jurisdictions have made laws or policies with respect to the topic under analysis. This review of the literature examined the following:

- 1) The Universal Declaration of Human Rights,
- 2) The Canadian Charter of Rights and Freedoms,
- 3) The Ontario Human Rights Code and
- 4) The Freedom of Expression policy of Ontario Tech University.

The logical aspect of policy analysis looks at whether or not a policy makes sense or whether it means the same thing to different constituents. In the context of higher education, the paradox of tolerance and the pedagogical paradox were examined. Finally, Pal's (2014) framework also encourages a review of any empirical data existing with respect to the policy being analyzed. There was little empirical evidence surrounding free speech from a comprehensive perspective, however it explored technology as a potential way forward and a potential alternative solution to address the interdependent complexities of free speech. The debate on free speech constitutes broadly three things: two opposing sides, and an option of inclusive freedom as a bridge between the two. However, literature related to the technology adoption within the FOLC model (vanOostveen et al. 2016) has the potential to engage participants and create opportunities for a continuous conversation among those stakeholders holding opposing

views. The FOLC model conceptualizes the creation of a digital space that emerges from collaborations among participants holding opposing views and continuous co-creation of democratic knowledge through cognitive and social presence (vanOostveen et al., 2016).

Chapter 3. Methodological Approaches

3.1. Introduction

This study employed policy analysis in the Literature Review and identified a need for more research, as empirical analysis was not evident in the literature. Qualitative methods included two case research examples and quantitative methods included an empirical study conducted in two phases. Phase I included an online anonymous surveys and phase II constituted a survey and a knowledge co-creation activity. Although data was collected using all these methods, empirical analysis remained non-central to this study due to some time and resources limitations. The Research Ethics Board (REB) (File #15625) of the Ontario Tech University approved the study.

The study explored the following research questions:

Q.1. How might policy on free speech be analyzed in different domains in order to learn more about the policy and potential solutions?

Q.2. What do students at Ontario Tech University think of free speech?

Q.3. What can be learned about the relationship between free speech and empathy?

Q.4. How does some knowledge of the free speech policy impact student empathy at one higher education institution in Ontario?

During the selection of a methodology for this study, a natural progression occurred. This study began with a working thesis that due to the introduction of free speech policy in higher education institutions in Ontario, it would be useful to explore what students think about free speech. Thus, initially, the study aimed at conducting only a quantitative analysis to understand the perceptions and thoughts of students. This included a survey adapted from HEPI (Hillman, 2016) with an experimental design to explore (a) what students think about free speech, and (b) the relationship between free

speech and empathy using IRI (Davis, 1980) empathy scale through the use of the FOLC model environment (vanOostveen et al., 2016). This approach would have addressed only some quantitative dimensions related to free speech, definitely without much focus on any legal, policy, pedagogical and technical considerations. These policy dimensions, revealed through literature review were found as important pieces to understand various concepts of free speech, students' thoughts, and related perceptions and for a more comprehensive analysis of the free speech policy.

This pointed towards a need for an exploratory qualitative methodology as well for this study. An academic tension surfaced that existed between protection of free speech (The Charter, 1982, s 2 (b)) and protection (a) from experiencing discrimination, (b) other related harms (c) against any exclusion of learner (OntarioTechU, 2018), and (d) preserving multi cultural heritage (The Charter, 1982, s (15); s (27)). The revised thesis included providing opportunities for full participation of every learner. Multiple methods were incorporated to explore these nuances, supported by Pal's (2014) policy analysis framework.

Creswell and Creswell (2018) have described the core characteristics of mixed methods. These include collection of both qualitative (open-ended) and quantitative (closed-ended) data, data analysis and interpretation. Both forms of data were integrated in this research design. For example, using qualitative methods, two case studies were conducted to obtain insights into the state of free speech practices and challenges before and after the announcement of the need for free speech policies on Ontario campuses. Due to these complexities, higher education institutions are facing a challenge to

maintain a balance between the protection of free speech and protection from discrimination and other harms.

In short, Pal's (2014) policy analysis framework helped organize various dimensions and suggested the inclusion of some qualitative and quantitative research to complement the analysis of the freedom of expression policy in the context of higher education.

3.2. Execution of Mixed Methods

Two case studies were created. The first case study was descriptive of a free speech incident that occurred in the recent past in a classroom of a higher education institution in Ontario. The second case study was an empirical analysis of the freedom of expression policy of OntarioTechU. These studies helped to explore free speech related dimensions, such as individual or group experiences related to discrimination, any harm or learner participation in classroom learning activities.

The execution of quantitative methods included two phases. During phase I, a survey instrument that included the HEPI (Hillman, 2016) survey and the IRI (Davis, 1980) empathy scale went to all students registered in Winter 2020 semester at Ontario Tech University. At the end of this survey, participants revealed their interest in joining Phase II of the study. Phase II constituted a collaborative activity to co-create knowledge on free speech. The conceptual frameworks of the FOLC (vanOostveen et al., 2016) model, and Knowledge Forum, WebKF, (Scardamalia and Bereiter, 2017) were used. The WebKF activity aimed at engaging four groups of four participants each to first read and comprehend the document of the freedom of expression policy of OntarioTechU (2018),

share their understanding within their assigned groups, and later each group collaborated to co-create a presentation as an artefact of new knowledge.

3.3. Data Collection

During the qualitative inquiry, the multiple sources for data collection included: reviewed literature, case study research and OntarioTechU policy (2018) document analysis. For quantitative data, multiple sources included a HEPI (Hillman, 2016) survey, an empathy level measurement using Davis' (1980) IRI scale with pre-post analysis and a co-creation of knowledge activity.

3.4. Case Study 1

This qualitative analysis through a case study had normative, legal and logical analysis elements within Pal's (2014) policy framework. The case study examines one of the recent incidents of free speech at Wilfrid Laurier University in Waterloo, Ontario. This incident was selected after reviewing the literature particularly the pre-announcement (section 1.1 of this study) scenario, before the Government of Ontario (2018) made the announcement of upholding free speech on campuses. Another reason to select this case was its potential to bring forth insights related to legal and potential policy provisions related to free speech related dimensions such as discrimination, and any harm and student-teacher relationship in classroom settings. This case research # 1 is about understanding and framing the incident and response by various stakeholders

To obtain a full understanding of a case study, Dubois & Gadde (2002) advocate that they found suitable the use of a "systematic combining" methodology grounded in an 'abductive' logic. It involves logical reasoning that is one of the types included in Pal's (2014) policy analysis framework. In systematic combining, the theoretical, the actual

case study, and the empirical findings are continuously considered to work toward developing a full understanding and framing of the case study (Dubois & Gadde, 2002). Another redirection into framing this case came through Rogers' (1969) humanistic education theory with freedom to learn and empathy as central issues. Thus, another description of the case emerged through these principles to understand whether in the empirical world (in a higher education institution) these principles are situated in the teaching and learning practices.

3.5. Case Study 2

For the purpose of this research, case study #2 provided an understanding of the policy developed at a university after the introduction of Ontario government's directive. Further, the selection of this case was also aimed at making a general comparison of the complexities associated with free speech, before and after the introduction of free speech policy by the Ontario Government and how free speech policy in higher education institutions addresses or pursues these complexities. Data related to the process included associated theoretical components such as whether free speech is enjoyed in higher education, whether the policy was there to protect against any discrimination and promote free speech - differing perspectives of various stakeholders, documents and the literature review.

3.6. Empirical Study Phase I – HEPI study and analysis

An anonymous survey was administered with two components: (i) the HEPI (Hillman, 2016) survey and (ii) the IRI (Davis, 1980) empathy scales. As described in Chapter 1, the debate of the free speech in the context of higher education has opposing contentious views. The HEPI survey (Hillman, 2016) questioned both sides, whether

students in UK universities feel free to share their opinions or feel satisfied with the protection or require more protected learning environments that promote diversity and inclusion. After obtaining permission to use the questionnaire from HEPI (Hillman, 2016), the survey was adopted as Phase I of the study. The survey asked questions to understand both feelings about free speech and about levels of satisfaction regarding protection from any discrimination: two important constituents of the evolved thesis study. It was hoped that this questionnaire would indicate how students think about free speech at OntarioTechU. It was made available to participants using the Lime Survey tool available through EILab in the Faculty of Education at OntarioTechU.

During Phase I of the study, along with the remainder of the HEPI survey, data on empathy levels of the students was also collected. Two of the four sub-scales of the Interpersonal Reactivity Index (IRI) were used (Davis, 1980, 1983). The IRI scales are designed to measure cognitive and affective emotions. These sub-scales can be used independently of each other (Keaton, 2017). Two sub scales were chosen: Perspective Taking (PT) and Empathic Concerns (EC), were found more relevant to the study topic of free speech that focuses on perspective taking, thought expression and sharing views (Keaton, 2017).

The Empathic Concern (EC) subscale assesses feelings of compassion for others. Participants answered statements based on how they feel and situate themselves in scenarios such as “I am often quite touched by things that I see happen” (Davis, 1980, p.85). The Perspective Taking subscale assesses the tendency to perceive the world from others’ viewpoints. For example, “I sometimes find it difficult to see things from the other person’s point of view” (Davis, 1980, p.85). These examples explore the exchange

of thoughts that are associated with tensions of thinking about others' perspectives. The collected data on EC explained these tensions well. In a quasi-experimental design, data was collected to establish pre-empathy and post-empathy comparisons of those participants who engaged in a knowledge co-creation activity. The study aimed to determine whether there were any changes in the empathy level after building new knowledge regarding free speech based on the policy document from OntarioTechU. Outcome measurements were taken from an intervention that invited volunteers to participate in a co-creation activity.

All registered students at Ontario Tech, both full time and part time, in the winter 2020 semester constituted the target population to understand their thoughts and perceptions about free speech. This study collected 250 completed responses to the survey with a response rate less than 3% of the total population of more than ten thousand students.

3.7. Empirical Study – Phase II

Phase II was designed to understand a relationship between free speech and empathy. Participants were recruited from the phase I respondents those volunteered to participate in phase II. They volunteered to submit email address to consent for Phase II of the study. From the respondents of Phase I, a cohort of sixteen students, four groups of four students in each group, were recruited. Participants of phase II answered the empathy (IRI) scale questionnaire twice in phase II in order to measure potential change(s) in empathy after knowledge acquisition and co-creation. In between responding to the IRI scale, participants studied the OntarioTechU policy (2018) and collaborated to co-create a power point presentation. This data collection provided participants' empathy level pre

and post of activity of free speech knowledge creation. The research design aimed at exploring how empathy might be affected by having knowledge of free speech policy and what insights could potentially emerge from the engaged collaborative activity and new knowledge creation thereafter.

The co-construction activity used Knowledge Forum v6, a community building online tool developed by the Institute of Knowledge Innovation and Technology (IKIT). To elaborate on the theoretical basis of Knowledge Forum, Scardamalia and Bereiter (2017), documented its knowledge building principles. These aim to reconstruct education as a knowledge-building enterprise, in which ideas can be treated as artefacts that can be investigated and improved. The study designed a knowledge co-creation free speech activity in which two groups of four participants collaborated with each other and developed power point presentations about the free speech policy of the OntarioTechU. Knowledge Forum v6 was placed within the FOLC model's Digital Space for the co-creation of knowledge on free speech activity.

3.8. Mixed Methods Validity and Reliability with Multiple Approaches

Multiple data collection sources for qualitative analysis included the literature review and two case studies to compare the state of complexities associated with free speech before and after the introduction of the policy. In particular, a policy analysis of the OntarioTechU policy (2018) was conducted to explore the interrelationship with other dimensions related to free speech. Pal's (2014) policy analysis framework encourages a mixed methods approach. The use of various theoretical and methodological approaches provided an opportunity to analyze data with a possibility to triangulate findings. Quantitative methodological approaches or an empirical research piece was planned and

executed through phase I and phase II using survey method, a pre-post empathy survey and a co-creation of knowledge of free speech activity using Knowledge Forum v6.

Chapter 4. Findings

Pal's (2014) policy analysis framework forms the basis for the policy analysis that was undertaken in this study. This framework encourages the examination of the normative aspects of a study, such as how terms are defined; the legal aspects of a study; the logical or reasoning aspects of a study, and the empirical aspects related to a policy study. Further, the nature of the empirical findings in this section includes two qualitative sections (4.1 and 4.2) a quantitative section (Section 4.3 and a Summary (4.4). This study attempts to approach reliability through triangulation. Creswell and Creswell (2018) have described that triangulation includes multiple methods of data collection, analysis and convergence of data collected from multiple data sources. Each of the methods utilized supports the findings. The results of triangulating all the findings indicate that the concept of inclusive freedom is the point of convergence for all analysis. The concept of inclusive freedom was found to be embedded in the definition section of OntarioTechU policy (2018).

4.1. Qualitative findings

In order to explore the complexities associated with the concept of free speech, a case study method of qualitative investigation was adopted. While two case studies were conducted, what follows is an account of the first case study. The case study recounts a relatively recent set of incidents related to free speech at Wilfrid Laurier University in Waterloo, Ontario. This case study is descriptive, employing Rogers' (1969, 1995) two central humanistic principles: freedom to learn and empathy, as a tool to frame and understand the concept of free speech in the studied instance of free speech. Pal's (2014) policy analysis framework has logical reasoning as one of its approaches. Dubois and

Gadde (2002) advocate that “systematic combining” can help to make sense of case studies. The theoretical, the actual case study, and the empirical findings were continuously considered to work toward a full understanding of the case study.

4.2. Description of Case Study I:

A student at Wilfrid Laurier University in Waterloo logged a complaint about a teaching assistant who showed their class a video clip of a television show. It was a Television Ontario (TVO) interview with a controversial speaker, Dr. Jordan Peterson. Lindsay Shepherd, the teaching assistant, picked up the clip because, Laurier TAs mostly had autonomy in deciding lesson plans to make things. (Hutchins, 2017). The clip focused on the use of gender-neutral pronouns (Hutchins, 2017; Platt, 2017; Turk, 2018; Walker, 2016). The University accepted the complaint by the student and questioned the teaching assistant (Dea, 2018; Hutchins, 2017; Platt, 2017; Turk, 2018; Zine, 2018). As a first step, an email was sent to Lindsay for a meeting with her supervisor, head of her program and someone for the diversity and equity office (Hutchison, 2017). Consequent to the meeting the teaching assistant, Lindsay Shepherd, was disciplined by the school administration (Hutchins, 2017; Platt, 2017; Rose-Krasnor & Webber, 2018).

As an added layer to the problem, the teaching assistant recorded the conversation on a laptop, which was used during the meeting with three members as state above. It was done secretly without seeking permission or approval from these members (Hutchins, 2017; Platt, 2017). According to Rose-Krasnor and Webber, 2018, one of the solutions might be an inclusive classroom to exchange free views, and open conversations without any reprimand.

Turk (2018) reflected that “[t]he Lindsay Shepherd case last year at Wilfrid Laurier University is a sign of a healthy system. The university failed badly, but, following public outcry, there was community self-examination and discussion that resulted in the university now having one of the best campus free expression policies in the country” (p.24). Rose-Krasnor and Webber (2018) referred to the remarks of the Wilfrid Laurier University Faculty Association President Michele Kramer, who found that free speech incident at the university left members within the association divided. These members held diametrically opposing opinions (Rose-Krasnor & Webber, 2018). A lawsuit and a countersuit were filed by Ms. Shepherd, the University, the guest speaker, and other stakeholders (Goldstein, 2018).

Passifiume (2019) described Lindsay Shepherd as a free speech activist. She used social media such as twitter to share her perspective. However, she was permanently banned from using Twitter. Platt (2017) earlier observed and pointed at a political right-left divide as the root cause of the free speech incident at Wilfred Laurier. Political forces continue to work against each other. However, as Ben-Porath (2017) mentions, such incidents can be taken as indicators of change happening in higher education that requires strategic initiatives. One of these could be the promotion of inclusive freedom- the third option available to the universities instead of two opposing political sides. It is interesting to note that after this incident, the university has adopted Ben-Porath’s (2017) definition of inclusive freedom in its revised policy of freedom of expression.

4.3. Description of Case Study II:

Pal (2014) argues that, besides having political motivation and political language, a policy announcement communicates reasons for the policy. Merrilee Fullerton, who is

2018, was the Minister of Training, Colleges and Universities, stated that universities and colleges have education functions to conduct open debate and exchange of ideas. The announcement aimed to protect free speech in mature learning environments in which freedom of thought is encouraged. A policy of free speech was designed to support and benefit such objectives (Office of the Premier, 2018). Nevertheless, both political and educational reasons are strategically interwoven (Pal, 2014).

Cote & Allahar (2011) have discussed this interdependent relational connectedness of education and politics, particularly from a policy perspective. They argue that education is political; it is a space to unpack complex ideas; to deal with abstractions; and then combine and re-conceptualize concepts, theories, and hypotheses. This process ultimately effects policies that are applied back to the outside world (Cote & Allahar, 2011).

The Free Speech policy announcement received a mixed response by various stakeholders (Dea, 2018; Moon, 2018). Education plays a valuable role in determining the direction of political discourse. In a democracy, informed citizenry is created through educational institutions that are capable of engaging in value-based discussions as described above. Various stakeholders responded to the recent free speech announcement. With their shared perspectives, important implications of this free speech policy decision go back to the Ontario Government such as the concept of “inclusive freedom” (Ben-Porath, 2017) that offers a practical solution to the debate of free speech and has positive implications for educational institutions.

This case study analyzed Ontario Tech’s Freedom of Expression policy and found that it has within it a well-defined concept: inclusive freedom for learners in the

institution. Within the humanistic education framework, a teacher's role is to facilitate learning (Rogers, 1969); it involves taking perspectives from diverse body of students and also allowing them to empathically (Rogers, 1995) express their views on issues with opposing perspectives. A demonstrated empathy for others' perspective can allow for discussion of a problem using humanistic education elements. Pal defines policy as a response to a public problem. This means that the Ontario government assumed that there was a need for this policy. This case study analysis points to inclusive freedom as one practical solution.

The legal analysis of the Freedom of Expression policy of OntarioTechU (OntarioTechU Policy, 2018) is shown in chart form (Tables 4.1 and 4.2). The chart shows its connections to the Universal Declaration of Human Rights (United Nations, 2015) and the legal provisions both at the national and provincial levels: The Canadian Charter of Rights and Freedoms; and provincial human rights through Ontario's Human Rights Code (1990). The following table sums up the policy analysis.

Table 4.1. National, Provincial, and Institutional - reviewed in a developing framework of legal analysis for the freedom of expression policy of OntarioTechU.					
Type	Right	International	National	Provincial	OntarioTechU Policy, 2018
Civil	Right to freedom of thought, conscience, and religion	Article 18 of the Universal Declaration of Human Rights (United Nations, 2015)	Article 1 and 2 (a, b) The Charter of Canadian Rights and Freedom	Human Rights Code, R.S.O.1990,c .H19, s.13 (2)	Connects to The Charter-Freedom of Expression (2(b))
Political	Right to freedom of expression	Article 19 of the Universal Declaration of Human Rights (United Nations, 2015)			Connects to Provincial-Human Rights Code

Table 4.2. Rights Implementation - the legal and policy framework- promotion and protection of the right to freedom of opinion and expression			
Implementation	International	National	Provincial
	UN- Human Rights Council - Special Rapporteur- collects data	CHRC- Canadian Human Rights Commission, collects human rights violation complaints data	OHRC and to uphold free speech - HEQCO – Collects data

This case study analysis indicates that the humanistic education and legal policy domains are interconnected. These domains are compatible and appropriate despite the presence of numerous complex free speech policy variables. For example, the legal dimension of the right to freedom of expression for everyone, finds a connection in UOIT policy (2018) and ties with one of the central principles of Rogers’(1969) humanistic education theory. Table 4.3 shows how a humanistic education framework for free speech can address concepts within the legal policy framework. During the focus group stage of this study, participants demonstrated that, once provided with freedom to engage, they engaged with other participants respectfully, asked questions, and were empathic. Their ultimate experience was enriched learning.

Table 4.3 Interconnectedness - Ontario Tech's Freedom of Expression Policy, Humanistic Education Theory and FOLC		
Legal	Policy	Education
Legal-Policy Objective – Provincial-National (details: tables 1, 2)	OntarioTechU Policy, 2018 Domains	Humanistic Education Components
Right to freedom of expression for everyone	The Ontario Human Rights Code (1990)	Freedom to learn, learner centered; potential to engage and perform; encounter groups co-creation of knowledge (Rogers, 1969, p.vii)
Equality (Gaudreault-DesBiens et al., 2019; Baer, 2019, p.52)	Inclusive freedom (Ben-Porath, 2017; OntarioTechU Policy, 2018)	Empathy (Davis, 1983, p.114; Roger, 1995, p.140)

The interconnectedness observed in the above analyses, by applying the elements of the normative analysis/humanistic education sub-framework to review the freedom of expression policy of OntarioTechU Policy (2018), has the following implications. The FOLC model (vanOostveen, 2016) provided technical and pedagogical support to engage learners at the university to discuss freedom of expression policy. The methods used, the collected data and findings of this study are supportive of HEQCO (2019) initiatives on continuous investigations and measurement of free speech related best practices in higher education institutions in Ontario. For example, two principles of humanistic education (Rogers, 1969) freedom to learn and empathy established in the study as concepts related to inclusive freedom (Ben-Porath, 2017; OntarioTechU Policy, 2018) are insightful best practices.

4.4. Quantitative findings

The purpose of this portion of the study was twofold: (a) to compare relevant findings from the HEPI survey and (b) to explore whether there is any relationship between free speech and empathy within the context of Ontario Tech University. The data were collected in multiple stages. Phase I included an anonymous survey. Phase II included a pre-post testing of empathy scales. An investigation was conducted by using two of the four Davis' (1983) empathy sub-scales (perspective taking, empathic concerns). For analysis purposes, a dummy (logical) variable was computed, to indicate inclusive freedom (OntarioTechU Policy, 2018) from the anonymous survey data of Phase I. To analyze the data, this study used JASP, a free, open-source alternative to SPSS. Both are statistical analysis software applications.

During Phase I, a questionnaire was emailed to all full time and part time students of Ontario Tech University. The response rate of all participants who answered the questionnaire was around 2.5%, or 238 students of the total ten thousand plus students registered during winter 2020 semester. These results are organized into four sections. The first section provides the descriptive information about the participants. The second section deals with the results concerning four research questions this study attempted to explore and their related hypotheses. The third section compares the results with the findings where important insights- either positive or negative- were found. In the fourth section, results from the phase II are organized with the pre-post analysis. The fifth section draws conclusions for the quantitative analysis and combines results with the interconnectedness of multiple areas: normative, legal, logical and empirical.

Based on the classification followed by the OntarioTechU institutional research office to share university related statistics, gender data was categorized into two categories: female and others. A personal communication with the office of Institutional Research revealed that these indicate inclusive categories. In Phase I, there were total 238 participants who completed the survey. Out of these 82 (34%) were female and 156 (66%) were other participants. In Phase II, 14 participants volunteered, instead of the targeted 16. There were 4 (33%) females and remainder were the others category.

There were two hypotheses focused on the potential relationship between free speech and empathy. It was anticipated that there would be a positive relationship between the two. That means those who support free speech would score a strong positive relationship between perspective taking (PT) and empathy concern (EC) subscales of Davis' (1983) IRI. Due to some limitations of the study, the statistical analysis performed indicated no clear answer to address the question of potential relationship between acquired knowledge of free speech and demonstrating empathy or any evidence from any testing of a hypothesis. Descriptive data indicates mean scores for PT and EC score were 19.79 and 16.37 for females; similarly, PT and EC scores were 19.21 and 14.26 for others respectively. However, lessons learned from these limitations to conduct empirical analysis point to a short span of one week for which the study was conducted. This time span did not work well as there was insufficient time to build the participants full interest in the engagement activity of knowledge co-creation on free speech.

Using JASP assumptions of normality were checked. A normality test (Shapiro-Wilk) was performed and the results indicated deviation from normality. Consequently,

non-parametric tests for the correlations and multiple correlations were used to analyze the data.

From phase I of the study, the concept of Inclusive Freedom was explored as embedded in the policy definition section of the UOIT Policy (2018) was explored. A new variable named: Inclusive, was computed. Its relevance was connected because of Inclusive Freedom it addresses both sides of the debate on Free speech.

Based on two questions asked in the survey from phase I, (Q.B1. ‘At your university, do you currently feel you are free to express your opinions and political views openly and without any restriction?’ and Q.B2. ‘Currently at your university, do you feel you have satisfactory protection to stop you from experiencing any discrimination or emotional harm?’ a new variable Q.B.1.2 (Inclusive) was created. It constituted those respondents who answered yes to both these questions. The logical reason to create this variable is grounded in the literature review. A concept of inclusive freedom emerged from the literature, the group of people who want to enjoy unrestricted freedom of inquiry in an equitable and non-offensive manner. The newly created variable represents a mix of openness and protection premises related to the concept of free speech. This new variable- Inclusive- was cross-tabbed against Gender to determine the statistical relationship between the two variables, if it exists. Between these two categorical (nominal) variables, Q.B.1.2 (Inclusive) and Gender, the second variable is a dummy (logical) variable created as RevGenNum to recomputed gender. A Contingency Table (Figure 4.1) illustrates the computed variable Inclusive and the Recomputed variable Gender with data details and as a reference for the following conversation.

Contingency Tables

Contingency Tables				
COMPUTE Q.B.1.2.Positive(1=both answer yes)		RevGenderNum		Total
		1	2	
0	Count	15.00	50.00	65.00
	Expected count	22.39	42.61	65.00
	% within row	0.23	0.77	1.00
	% within column	0.18	0.32	0.27
	% of total	0.06	0.21	0.27
1	Count	67.00	106.00	173.00
	Expected count	59.61	113.39	173.00
	% within row	0.39	0.61	1.00
	% within column	0.82	0.68	0.73
	% of total	0.28	0.45	0.73
Total	Count	82.00	156.00	238.00
	Expected count	82.00	156.00	238.00
	% within row	0.34	0.66	1.00
	% within column	1.00	1.00	1.00
	% of total	0.34	0.66	1.00

Chi-Squared Tests			
	Value	df	p
X ²	5.13	1	0.02
N	238		

Figure 4.1 Computed Inclusive (Q.1.2.) Variable (1) and Re-computed RevGenderNum-Gender Variable (2)

The following interpretation is provided:

(a) More female students (61%) have answered yes to both questions as compared to those in the others category (39%).

(b) Further, within the computed group RevGenderNum more participants (68%) answered both questions as only "yes" as against those (32%) who answered both "no"

(c) With a p-value (0.02), these results are statistically relevant.

1) The analyzed data indicates that female and other students responded differently.

2) Female (as compared to others) students' responses suggest that they are supportive of the concept of inclusive freedom. However, based on a suggestion from E.J. of JASP Stat team (personal email communication, February, 14, 2020) to make above observations a robust analysis, a *tetrachoric correlation test* would have been more appropriate since

both the new computed variable - Inclusive- and gender recomputed variable – RevGenderNum- are binary dependent variables. An extensive richer analysis of these variables and subsequent quantitative data analysis could not be performed as it was limited by the time and resources as stated in the limitations of this study.

From phase II of the study to understand the effect of acquiring knowledge and working with the Freedom of Expression policy of Ontario Tech, could not indicate any conclusive outcomes.

4.5. Comparison of HEPI (UK) and Ontario TechU

The following table compares data for question #1 asked from the survey participants of the HEPI (UK) and OntarioTechU. Table 4.4 findings compare the results as the following

- a) There are different proportions of female participants in the HEPI (56%) and OntarioTechU (34%) datasets
- b) More female participants agreed completely in the HEPI (38%) when compared to OntarioTechU (27%)

However, nearly the same proportions, more than 80% of participants at both HEPI (UK) and Ontario Tech U female participants felt completely or somewhat satisfied that they feel free to express their political opinions on campus.

Table 4.4 Comparison between Ontario Tech U (2020) and HEPI (UK)(2016) students Free to Express Opinions and Political View				
Gender	Q.B.1. At your university, do you currently feel you are free to express your opinions and political views openly and without any restriction?			HEPI (UK)
	Options	Frequency	Percent	Percent
Female	Yes, completely	22	27%	41%
	Yes, somewhat	46	56%	44%
	Yes completely & somewhat	68	83%	85%
	No, absolutely not	3	4%	3%
	No, probably not	7	9%	8%
	Don't know	4	5%	5%
	Total	82	100%	(N=563) 100%
Others	Yes, completely	32	20%	
	Yes, somewhat	66	42%	
	Yes completely & somewhat	98	62%	
	No, absolutely not	23	15%	
	No, probably not	30	19%	
	Don't know	5	3%	
	Total	156		
Grand total	Female (34%)	238		Female (56%) N= 1006

Table 4.4 Comparison Q.1 HEPI (UK) and OntarioTechU (ON, Canada)

The following table compares data for question #2 asked from the survey participants of the

HEPI (UK) and OntarioTechU. Table 4.5 findings compare the results as the following.

- a) Slightly more female participants in the HEPI (78%) survey feel to have satisfactory protection to stop experiencing any discrimination or emotional harm when compared with OntarioTechU (70%) students.
- b) Almost double the proportion of OntarioTechU (24%) female participants when compared with HEPI-UK (13%) feel that either absolutely or probably do not feel satisfied with the protection to stop from experiencing any discrimination or emotional harm.

Table 4.5 Comparison between Ontario Tech U (2020) and HEPI (UK)(2016) students Protection from Experiencing any Discrimination or Emotional Harm				
Gender	Q.B.2. And currently at your university, do you feel you have satisfactory protection to stop you from experiencing any discrimination or emotional harm?			HEPI (UK)
	Options	Frequency	Percent	Percent
Female	Yes, completely	21	26%	38%
	Yes, somewhat	36	44%	40%
	Yes completely & somewhat	57	70%	78%
	No, absolutely not	5	6%	3%
	No, probably not	15	18%	10%
	Don't know	5	6%	9%
	Total	82	100%	(N=563) 100%
Others	Yes, completely	52	20%	
	Yes, somewhat	52	42%	
	Yes completely & somewhat	104	62%	
	No, absolutely not	14	15%	
	No, probably not	27	19%	
	Don't know	11	3%	
	Total	156		
Grand total	Female (34%)	238		Female (56%) N= 1006

Table 4.5 Comparison Question #2 HEPI (UK) and Ontario Tech U (ON, Canada).

Reliability statistics for the HEPI survey

Two reliability analyses were performed, and reliability statistics observed for the HEPI survey items from Q.C1 to Q.C10 and Davis (1980) Empathy Scale. In this first analysis, for the HEPI survey, a Cronbach alpha score (.70) was observed. This score is acceptable for social science research purposes indicating the adopted questionnaire is reliable.

Table 4.5 provides details for each item and the combined scales. These results confirmed the reliability of the measurement tools – questionnaire and empathy scale used in this study.

Reliability Analysis

Scale Reliability Statistics

	mean	sd	Cronbach's α
scale	3.29	0.73	0.70

Note. Of the observations, 238 were used, 2 were excluded listwise, and 240 were provided.

Item Statistics

Item Reliability Statistics

	mean	sd	If item dropped
			Cronbach's α
List of statements [a.Training that teaches the ability to understand other cultures should be mandatory for all university staff]-	3.49	1.39	0.65
List of statements [b.Education should not be comfortable, universities are places of debate and challenging ideas]	3.89	1.13	0.67
List of statements [c.Universities should never limit free speech]	4.11	1.09	0.66
List of statements [d.Students' unions should ban all speakers that may cause offence to some students]-	1.95	1.17	0.66
List of statements [e.Universities are becoming less tolerant of a wide range of viewpoints]	3.49	1.27	0.64
List of statements [f.Universities should consult special interest groups (e.g. religious societies or gender societies) about on-campus events]-	2.93	1.30	0.65
List of statements [g.University publications should not be censored in any way, even if they may be considered offensive to certain groups of students]-	3.71	1.32	0.79
List of statements [h.Academics should be free to research and teach whatever they want]	3.72	1.25	0.67
List of statements [i.Even if some people might protest, a university should never back down from an event]	3.48	1.30	0.63
List of statements [j.I think that a lot of student societies today are overly sensitive]	3.61	1.32	0.64
List of statements [k.If academics teach material that heavily offends some students, they should be fired]	1.98	1.05	0.76
List of statements [l.Students that feel threatened should always have their demands for safety respected]-	3.72	1.13	0.67
List of statements [m. If you debate an issue like sexism or racism, you make it acceptable]	2.13	1.29	0.76
List of statements [n.Protection from discrimination and ensuring the dignity of minorities can be more important than unlimited freedom of expression]-	3.10	1.45	0.62
List of statements [o.The best way to fight prejudice is to debate it rather than to ban it]	4.11	1.11	0.66

- reverse-scaled item

Table 4.6 Reliability Statistics – HEPI Questionnaire

Reliability statistics for the IRI Scale

Another reliability analysis was performed for Davis' (1980) IRI empathy sub-scales. The value of Cronbach' α for PT was .67; and EC was .72. A variable – Inclusive – has been calculated as Sum of score PT and EC that provides scale mean (19.41) for PT and a mean (14.91) for EC. However, these variables could not be used for further correlation data analysis. Although these results obtained are high, the reliability values closely comparable to prior work (Davis, 1983; $.70 \leq \alpha \leq .78$).Both surveys (HEPI

(Hillman, 2016) and IRI (Davis, 1980) have validity Cronbach alpha .70 for the HEPI survey and close to .70 for Davis (1980) empathy scale. That indicates the comparisons of the first two questions between HEPI/OntarioTechU are valid. These reliability values also indicative or suggestive that inclusive freedom is a concept that has some validity but needs further vigorous study before anything definitive could be stated.

4.6. Summary of findings.

The following summarized the findings of this study based on the research questions.

Q.1. How might policy on free speech be analyzed in different domains in order to learn more about the policy and potential solutions?

This research conducted in OntarioTechU, set out to understand and analyze the policy of the freedom of expression. The literature identified connections and tensions between the two opposing views - one in favour of free speech and the other in favour of protection, a safe space and inclusion of those who feel marginalized or potentially could be silenced and excluded from full participation. There were several dimensions related to free speech that added complexities to the issues within a free speech policy.

As stated earlier, in order to address the complexities that have cross-disciplinary origins in domains such as legal, political, educational, a comprehensive framework was required to analyze the policy. The study reviewed the literature and used Pal's (2014) policy analysis framework. Four approaches (normative, legal, logical and empirical reasoning) found with the framework were helpful in conducting two case studies and an empirical analysis through the quantitative methods.

Case Study 1 found that by using "systematic combining" (Dubois & Gadde, 2002, 2014) within the Pal's (2014) logical reasoning, it was possible to find indicators useful

to understand policy and propose potential solutions and tensions between the two opposing views of free speech. One such indicator found was the concept of “inclusive freedom” (Ben-Porath, 2017). Having this concept embedded into the policy of the freedom of expression in a higher education institution provides a practical solution to address opposing views of the free speech debate.

Case study II found that the concept of inclusive freedom is already embedded in the freedom of expression policy of OntarioTechU. It was also found that the concept has normative, legal and logical connections and is interconnected among different analysis domains. Three of the analysis domains of Pal’s (2014) framework were helpful and necessary in order to build a comprehensive understanding of a policy with complexities that are associated with concepts and the debate surrounding free speech.

Q. 2. What do students at Ontario Tech University think of free speech?

This analysis was focused on validating the concept that is common to both quantitative and qualitative analysis (Creswell and Creswell, 2018). Nearly the same proportions, more than eighty percent, of female participants at both HEPI (UK) and OntarioTechU felt completely or somewhat satisfied that they feel free to express their political opinions on campus. Secondly, the participants answered to the question #2 differently. In other words, female and other students responded differently. The study finds in answer to question #2 female (as compared to others) students’ responses suggest that they are supportive of the concept of inclusive freedom.

Q.3 What can be learned about the relationship between free speech and empathy?

This finding from Figure 4.3 connects with the empirical reasoning aspect of Pal’s framework. (a) That is more female students (61%) answered yes as compared to others

(39%); and (b) within the group female more participants (68%) answered both questions as only "yes" as against others (32%) who answered both "no". These results with a p-value (0.02) these results are statistically significant. This means female students at OntarioTechU are supportive of inclusive freedom. Other studies point to female empathy levels which are higher than male (Davis, 1983; O'Brien, Konrath, Gruhm, & Hagen, 2013). As a general term, empathy means thinking about others and thinking by putting in other's shoe, by definition (Roger, 1995; Davis, 1980), empathy is a concept that can be connected to with inclusive freedom. These findings are valid because the data derived from the surveys was found to be reliable.

Q.4 How does some knowledge of the free speech policy impact student empathy at one higher education institution in Ontario?

From the qualitative data analysis through case study #1 using Rogers' (1969) humanistic education theory with two core principles: freedom to learn and empathy, a direction emerged that in the empirical world there is a potential to explore these theoretical principles with the role of teacher focused as a facilitator having empathic considerations. This could not be undertaken due to limitation of time and resources. From the quantitative data analysis, although the data was found to be reliable, no clear evidence has emerged based on the pre-post empathy surveys of students engaged in co-creation of knowledge of free speech activity. No extensive analysis was performed for these two questions (Q.3 and Q.4), due to limitations of imposed on the researcher. These questions need to be explored in future studies.

4.7. Limitations

This study was conducted under time pressures, caused by inordinate delays in execution which were, to a large extent, beyond the control of the researcher. Getting approval from the Research Ethics Board (REB) took a much longer time than anticipated. The co-creation of knowledge activity undertaken using Knowledge Forum v6 a full empirical investigation should have been provided eight weeks or more instead of symbolic one week of engaged interaction among the participants. This is partially due to the need to orient the participants to work within an environment that is not directed by the instructor. This type of activity continues to have promise and it is hoped that these ideas can be revisited in the near future. Consequently, the empirical results were ambiguous, and it was hard to draw any substantive conclusions from the analysed data.

One of the limitations of the study, from a pedagogical perspective, was a limitation of time to fully explore the richness of FOLC pedagogy. The underlying principles of FOLC model well aligned with the concept of inclusive freedom. These provided solid theoretical answers to questions such as: how to build a community of learners practicing inclusive freedom using FOLC Model; how can inclusive freedom be adopted in a classroom setting? However, based on the FOLC's theoretical framework discussed earlier, the model may be a potential solution to inclusive freedom adoption.

During this study, there were pedagogical structures built using a tool, Knowledge Forum v6, to allow the asynchronous collaborative interaction activity between various participants in phase II of the study. Participants conversed with each other by posting on Knowledge Forum v6. They were given opportunities to demonstrate freedom to learn, share, freely and fearlessly by asking questions, showing empathy, remaining respectful

of each other's perspective and reflect on their understanding of OntarioTechU policy (2018). Participants read and shared their understanding of various aspects of the policy. They engaged and co-created new understandings about the OntarioTechU freedom of expression policy. This new knowledge was shared by co-creating a power point presentation. Due to time limitations, for the community of learners thus formed within the pedagogical structure of the FOLC model, a detailed analysis of these endeavours remains unexplored regarding how these emerged relationships among participants built on mutual trust, collaboration, respect and freedom to learn and share with empathy.

Since the data was not fully analyzed, despite finding solid connections of inclusive freedom elements with the FOLC's pedagogy, only an indicative conclusion could be drawn that positions FOLC model as a closest framework and a potential pedagogy using which structures can be built for the adoption of inclusive freedom and practice the concept within a classroom environment.

For all these reasons, much of the empirical data from both Phase I and Phase II remained without analysis, and consequently very little was explored regarding the relationships between the more than ten dimensions of free speech. As already stated in the previous chapters, the empirical research referenced in this study is not central to the thesis but was one element within the overall policy analysis framework.

Chapter 5. Discussion

5.1. Overview

This chapter attempts to connect the findings from the literature and findings of the research. This study has made a unique contribution to an under-studied area. It used a qualitative theme that emerged from the debate surrounding free speech and identified the significance of the concept of “inclusive freedom” from the literature (Ben-Porath, 2017). Based on the policy analysis, this concept was found to be embedded in the OntarioTechU policy (2018). A quantitative description of the concept of inclusive freedom was calculated from two theoretically and conceptually aligned variables from the HEPI (Hillman, 2016) survey data and compared to the findings of the UOIT survey data.

The policy analysis framework provided a comprehensive lens for the overall study. The policy analysis that was conducted was multi-dimensional including the normative, legal, logical and empirical domains of analysis (Pal, 2014). Its strength was in providing a rigorous review of the policy by examining theoretical understandings of key words and phrases as well as how the policy was reflected in the case studies. The strength of the findings about Free Speech policy comes from the normative, legal, logical and empirical analyses combined.

Once the theme from the debate of free speech and the concept of inclusive freedom was determined, a mixed-method approach was utilized for this study. The aim of this strategy was working toward the reliability and validity based on recommendations of Creswell and Creswell (2018) for studies that employ mixed methods. Reliable findings have stability whereas validation from other sources add an

element of truth. The FOLC, for example, pointed toward a helpful environment for discussion. The HEPI survey was also useful and this study recommends its use.

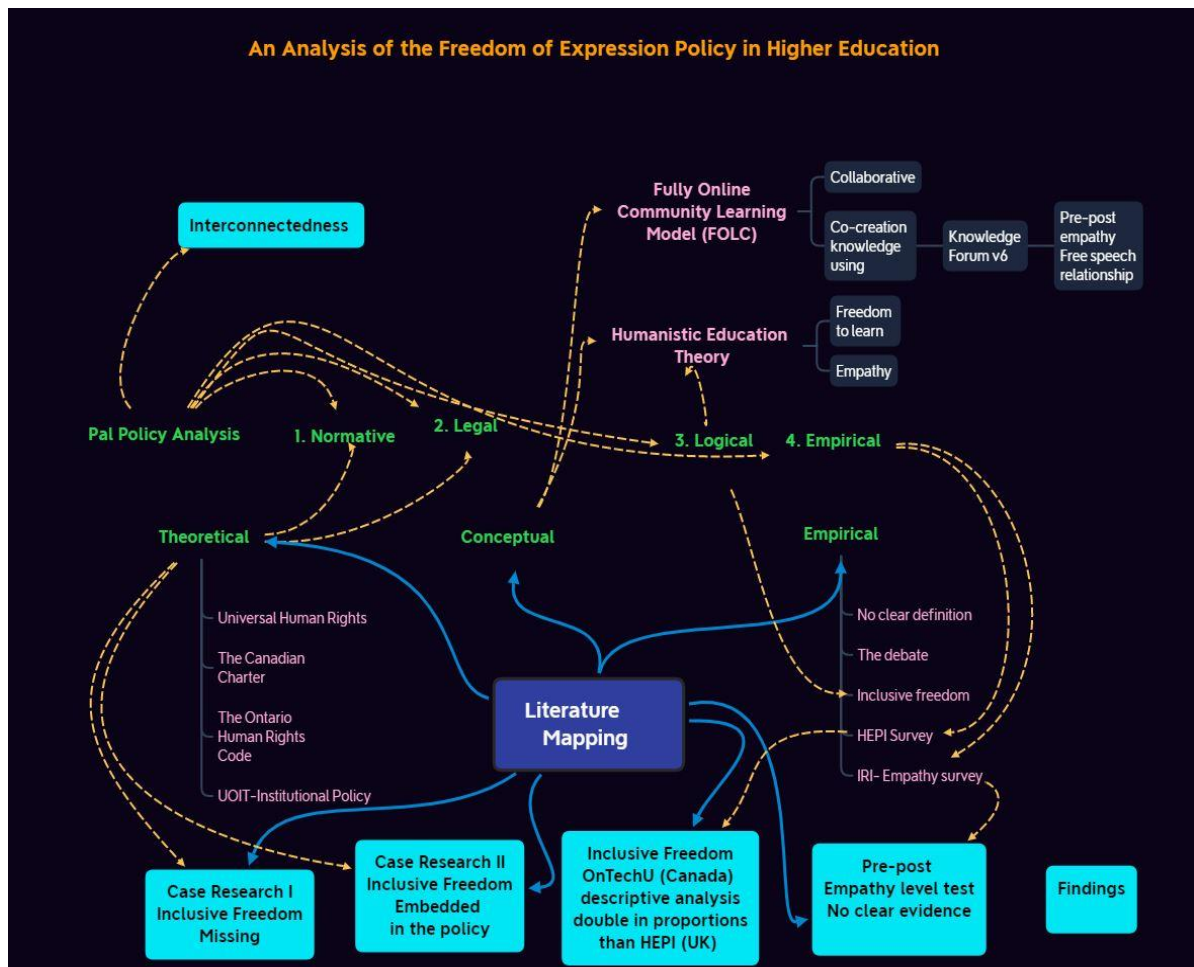


Figure 5.1 Literature Mapping and Policy Analysis

As illustrated in Figure 5.1, this study demonstrates that free speech is a complex concept with multiple dimensions. The visual is included to link Pal's (2014) policy framework with the literature review and the findings of this study. The following interrelated themes emerged from the literature.

1. First, there is no clear definition of free speech.

2. The debate of free speech remains unabated. It is between those who want unrestricted freedom of expression and those who advocate having protection from discrimination and any emotional harm. Conceptually and theoretically, this dichotomy is inbuilt at the core of the debate. Associated normative and legal dimensions of this dichotomy are described in the Charter where section 2(b) describes the freedom of expression and section 15 provides the right to equality. Particularly, section 27 refers to multiculturalism to the benefit of equality for all; these rights are categorized as civil and political rights (The Charter, 1982, s2 (b); s (15); s (27)).
3. There are complex dimensions of free speech, with some of these opposing to each other due to the aforesaid dichotomy.
4. Free speech has complex legal, political and educational implications.
5. A comprehensive framework was required to analyze free speech policy. After a review of the literature, Pal's (2014) policy analysis framework was employed. The four domains of the framework: normative, legal, logical and empirical were helpful in framing a review of the literature, conducting two case studies, and an empirical analysis through the quantitative methods.
6. A theme emerged in terms of the significance of the paradox of tolerance and the pedagogical paradox to understand free speech and its related complexities. These paradoxes have a great value particularly within the higher education in terms of the role of teacher in relationship to students and guidelines for an institutional openness and tolerance to the changing social values.

7. Important themes emerged related to the conditions and purpose of learning – reviewed literature established Rogers’ (1969) freedom to learn with empathy as two central principles of humanistic education theory. In the context of higher education, these principles align with the concept of inclusive freedom, a practical solution (Ben-Porath, 2017). Free speech relative to Rogers’ empathy principle means freedom to express with a great consideration to listening to the feelings of others (Rogers, 1969).
8. Using technology to address the dichotomy and subsequent complexities of free speech also was present in the literature and the findings. An online model such as FOLC (vanOostveen et al., 2016) has potential benefits.

5.2. Case study 1 Research

This case research used logical reasoning as part of Pal’s (2014) policy analysis framework, and undertook systematic combining (Dubois & Gadde, 2002). This methodology selected a single case of Wilfred Laurier University. Data were collected from literature, media reports and responses. It also allowed exploring theoretical and conceptual frameworks of humanistic education and the potential use of technology to address the tensions that were observed. Findings indicated that in this case research, when the incident happened, the institution had restricted free speech with no provisions for regulated speech, demonstration of teachers’ role as a facilitator, trigger warnings and safe expression within its learning environment. These observations were made in view of Rogers’ (1969) work on the humanistic education principles. Interestingly, a revised freedom of expression policy of this institution (Wilfred Laurier, 2018) has adopted the

concept of inclusive freedom (Ben-Porath,2017; OntarioTechU, 2018) and one of the key themes, that emerged using Pal's (2014) framework for policy analysis.

These case study findings connect with the themes that emerged from the literature particularly, the free speech debate, paradox of tolerance, pedagogical paradox; freedom to learn and empathy.

In Case Study I, it was found that the power relationships as described in the pedagogical paradox, significant at two levels. Power was evident at the institutional level where the teaching assistant was charged. The teaching assistant also had power to select what the students would view. However, in view of the humanistic learning, the concept of freedom to learn, empathy and inclusive freedom practiced in the classroom environment, would have set a different example with this incident. In the role of facilitator in Rogers's (1969) humanistic theory, a teacher gains the trust of the students to impart enriched learning. Teachers who build trust with their students give notice (trigger warnings) about difficult topics in class because some students have been traumatized in their past. The time of occurrence of this incident related to free speech was prior to the policy announcement of upholding free speech on higher education campuses.

Learning environments have a specific significance and a solid relationship with free speech. Normative and legal analysis indicated that freedom of expression is a fundamental right of every human. However, within the context of Case Study 1, the university lacked a clear policy provisions and resources to allow students and teachers to talk freely and fearlessly. The university needed to make sure that such policy was in

place. Later a decision was taken by the university to establish a task force and prepare a Statement on Freedom of Expression.

There is an indication that, with a policy provision and support, the escalation of the free speech incident would have been stopped. Inclusive freedom (Ben-Porath, 2017) is embedded in OntarioTechU policy (2018). It means a commitment not only to a solid protection of free expression; it also includes the expression of those who could be, marginalized or silenced and excluded from full participation at the learning institution. A university needs to provide both, free speech opportunities along with respect and dignity for those who might get excluded, i.e., inclusive freedom (Ben-Porath, 2017) was initially missing in Case Study I.

Due to the way case study 1 is situated within this research, the following explanation is provided to address various possibilities which might have several pedagogical implications. The case study raises questions about the political situation, such as, what was the role of the TA with respect to the professor and to the entire university (Rose-Krasnor & Webber, 2018). This concept connects to the idea of power, control, teachers' unions, and those who had power to allow or control the content and pedagogies utilized in the classroom. It is also possible that some teachers who were not in a situation similar to the teaching assistant might have obtained different responses from sharing the same controversial video clip. This differential in response might be due to political power or other similar aspects such as gender differences.

Further, Rogers' sub-framework regarding empathy and freedom to learn within the context of Pal's framework around four different kinds of analysis provides insights which imply laws that are an inseparable legal piece. Further this situation related to

procedural norms. An interesting possibility within the political situation was that a TA may not be free to act within their own discretion; further, a supervisor may not agree and approach the institution to raise an objection to a TA's work. The possible legal context that might arise from the political context which imposed a structure on the relationship between the TA and the supervisor. These pieces such as political, procedural, policy and legal when interwoven injected an element of politics to deal with; there was no way to escape it. So power control is endemic in the situation. Excluding political dynamics was unavoidable. Institutional response to the situation amidst these interrelated possibilities was seen as a sign of a healthy system that demonstrated a utilized learning opportunity. It seemed that an initial reaction by supervisor and institution to censure the TA was reactionary but after time and consideration, the institution found an opportunity was presenting itself to develop a free speech policy and ultimately, the resolution of the situation presented in the case is an example of a healthy system. The university thus adapted to the need and provided one of the best free speech policies having inclusive freedom as its embedded component (Turk, 2018).

Thus, the case study 1 is described and explored within the legal, political, educational, and institutional adaptation possibilities to address freedom of expression without discrimination in educational contexts. Case Study 1 reflects on the situation within a higher education. The case points to the changing priorities within the political, legal, societal, and educational obligations and addresses the needs of a diverse population that could provide opportunities through equity and the inclusion of everyone within learning environments.

5.3. Case Study II:

A policy announcement in Ontario came after the escalation in concerns regarding free speech on higher education campuses that was discussed in Case Study I. Case Study II, analyzed OntarioTechU's Freedom of Expression policy. Using Pal's (2014) policy analysis as a framework and a legal-policy-humanistic education as a sub-framework, the OntarioTechU policy (2018) has been found interconnected to provincial, national and international levels from the aspects of legal and normative analysis. From a logical reasoning, having the concept of inclusive freedom well documented in the literature provides a practical solution (Ben-Porath, 2017) to the complex issues related to free speech policy because it aims to resolve the contentious issues of opposing views. Case Study II found that based on the Pal's (2014) framework cross-disciplinary domains such as legal, political and educational domains are interconnected with the policy of OntarioTechU (ref. Table 4.3)

Table 4.3 Interconnectedness - Ontario Tech's Freedom of Expression Policy, Humanistic Education Theory and FOLC		
Legal	Policy	Education
Legal-Policy Objective – Provincial-National (details: tables 1, 2)	OntarioTechU Policy, 2018 Domains	Humanistic Education Components
Right to freedom of expression for everyone	The Ontario Human Rights Code (1990)	Freedom to learn, learner centered; potential to engage and perform; encounter groups co-creation of knowledge (Rogers, 1969, p.vii)
Equality (Gaudreault-DesBiens et al., 2019; Baer, 2019, p.52)	Inclusive freedom (Ben-Porath, 2017; OntarioTechU Policy, 2018)	Empathy (Davis, 1983, p.114; Roger, 1995, p.140)

For mixed methods research findings validation, Creswell and Creswell (2018) recommended finding a concept common to qualitative and quantitative arms of research. A qualitative theme was determined that two opposing side of the free speech debate have a common ground of inclusive freedom. The concept was found in the literature as a practical solution (Ben-Porath, 2017). A descriptive definitional equivalent variable of inclusive freedom was computed from two questions asked both in the HEPI (Hillman, 2016) survey replicated at OntarioTechU. These questions asked the respondents to answer in yes or no whether they enjoy free speech and second, whether they feel discriminated or feel any emotional harm. As a result of the policy analysis including empirical analysis, inclusive freedom emerged as a common concept and as a potential solution to promoting free speech without harm. Based on the Pal's (2014) logical analysis, it was found as a bridge aligned with the proposed practical solution (Ben-Porath, 2017) to the debate of free speech. This finding points to the potential for further research in this area.

When the literature on the conditions and purposes of learning is reviewed, one key objective that emerges is the spirit of freedom to learn. Viewed within the principles of freedom to learn and empathy (Rogers, 1969) students need to engage in debates and, reasoned discourses without repercussions. the fear of repercussion needs to be removed within the time and space of educational environmental settings to explore and challenge opposing views. Learning is aimed at a reasoned discourse (Habermas, 2006) not just debates; an engagement through a continuous collaborative knowledge co-creation using technologies such as the FOLC (vanOostveen et al., 2016) model; a judicious mix in the inclusion of both right to freedom and equity principles –similar to the practical solution

of inclusive freedom (Ben-Porath, 2017, OntarioTechU policy, 2018). However, the litmus test in the age of technology comes from policy analysis, the empirical evidence and the solution of the potential use of technology to engage in a continuous reasoned discourse at a university. The cumulative data set amassed through these discourses suggests that discussions based on free speech would benefit implementing the concept of inclusive freedom (Ben-Porath, 2017; OntarioTechU policy, 2018)

This study employed Pal's (2014) framework in legal, normative, logical, and empirical domains. This means that the literature was reviewed and it was found to emphasize the importance of free speech in terms of marketplace of ideas, self-actualization, and pursuit of truth, particularly in education. When norms are considered, as in a normative analysis, one solution that emerges is that understandings about the conditions and purpose of learning in humanistic education could be beneficial in the corporate world. Due to growing diversity, understanding interdependence through empathy within the teams can benefit team performance at the optimum levels of efficiency and when combined with freedom of expression adds the creative solution for sustainability. Corporations expect such skill set from the students. According to some, there is a necessity for a paradigm shift towards humanistic education to meet the requirements of corporations (Giudici et al., 2020; Joseph, 2019).

5.4. Discussion of quantitative findings

The empirical analysis of this policy included the HEPI survey (Hillman, 2016) where participants were asked whether they enjoyed free speech and whether they felt discriminated or hurt.

(a) Both female and other students responded differently; (b) It was found that is more female students (61%) answered yes as compared to others (39%); and (c) within the group female more participants (68%) answered both questions as only "yes" as against others (32%) who answered both "no". These results with a p-value (0.02) these results are statistically significant.

The contingency table Figure 4.1 on page 49 illustrates these details and provides a reference for the above stated observations.

In the literature there are studies pointing to female empathy levels being higher than male (Davis, 1983; O'Brien et March 9 al., 2013). By definition, empathy is a connected concept with inclusive freedom. Unfortunately, based on limitations of the data, no clear evidence has emerged based on the comparison of the pre-post empathy surveys of students engaged in co-creation of knowledge of free speech activity.

From a descriptive perspective, exploring some of the common patterns of empathy levels of students interested in free speech found by the survey undertaken at OntarioTechU indicated that more female student than male students answered yes to the first two questions of the survey. A computed variable – inclusive- from these two yes answers to the question could possibly be interpreted based on these responses as findings relative to the literature. These findings were suggestive of support for the concept of inclusive freedom that has a relational intimacy with empathy – both these concepts emerged from the literature, and case studies. A study by O'Brien et al., (2013) supports such pattern of responding, indicating that women were reported to be more empathic than men. The HEPI study found more females than others answered yes, to both survey questions.

(b) Within the group female more participants (68%) answered both questions as only "yes" as against others (32%) who answered both "no". These results with a p-value (0.02) these results are statistically significant. This means student groups – female and others as categorized in this study- have responded differently. Female student responses at OntarioTechU are supportive of inclusive freedom, but needs further vigorous study before anything definitive could be stated. In the literature there are studies pointing to female empathy levels being higher than male (Davis, 1983; O'Brien et al., 2013). Empathy is a connected concept with inclusive freedom.

While appreciating and understanding the challenges due to the complexities associated with the concept of free speech, this research project adopted mixed methodologies. The following provides a brief explanation regarding use of mixed methods within the project, describes caveats associated with the project and sketches an outline within which these findings are reflected upon and can be understood.

Due to the complexities associated with the concept of free speech, an option to adopt a single method, such as conducting only a quantitative analysis, might have depicted a few trends leading to a partial understanding about the role of free speech within higher education contexts. For example, results obtained from the quantitative analysis of the survey data found a large number of respondents (98%) indicating their feelings of freedom to express their views. However, when viewed within the Pal's policy analysis framework and Rogers' (1969) principles of humanistic education, a dichotomy was observed within the concept of free speech itself. Figure 5.2 illustrates some of the complexities behind this dichotomy. In this figure, one side represents those who feel free to express views and challenge new ideas, while on the other side are those

who feel a need for protection against any discrimination or harm that these expressions with freedom as a driver might cause to people based on their lived experiences or due to their diverse characteristics. In other words, there is a challenge to maintain equity within diversity and inclusion. This study proposes a possible solution to these challenges of diversity, equity and inclusion using FOLC pedagogy in which inclusive freedom practices could be structured using learning environments to facilitate freedom to learn with empathy.

Further, this complexity within free speech, begs a question. For example, if 98% of the population responded that they did not feel discriminated, and feel free to express their views, did it mean the 2% who did feel discriminated do not matter? However, based on the standpoint taken in this study, views of not only these marginalized respondents but everyone does matter, particularly from the perspective and understanding of the key concept of inclusive freedom which emerged from this study. In other words, this means that adopting and practicing inclusive freedom requires inclusion of everyone not just those who feel marginalized. A methodology to analyze such inclusion and participation of everyone necessitated a mix methods approach. A single

method would not have been sufficient.

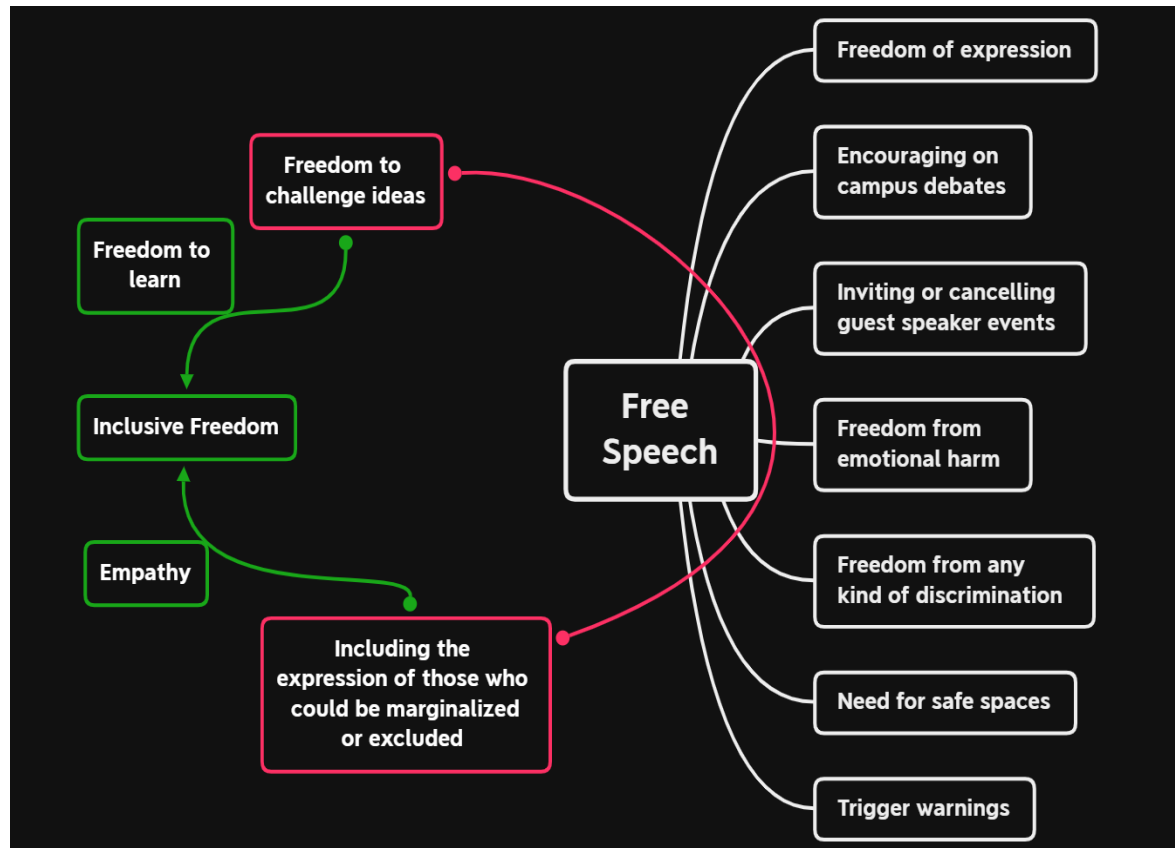


Figure 5.2 Interconnections between Inclusive Freedom- Free Speech and Rogers's Principles of Humanistic Education

In addition, the analysis of the quantitative data suggested that 80% of females polled at OntarioTechU indicated a positive feeling about free speech and protection. Similarly, another finding suggested that 68% of the females responded positive feelings about their protection of freedom of expression and also protection from any discrimination within their learning environment. In order to obtain a broader understanding about the concept of free speech, these findings need to be understood or framed within the likely response from those who remained unaware about this study or those who did not respond to the survey, or those respondents who were in minority and who might have felt threatened or oppressed and might not have responded to the survey

when an email invite was sent to all registered students at the institution. For the aforesaid reasons, a caveat with which these quantitative findings be read must be provided. These findings might be viewed, for instance, within the possibility of extremely small proportions of respondents who did not answer “yes” to those two questions from the survey that were considered to conduct this quantitative analysis. These respondents may feel threatened or did not have positive feelings about their protection of freedom.

Finally, the computed variable- ‘Inclusive’ used in the quantitative analysis offers only tentative possibilities and these may be perceived to indicate emerging patterns only. The findings based on the quantitative analysis of the survey data need to be tempered and aligned with more investigations in a number of different areas to determine what they mean with more definition. It was hoped that the co-creation activities in WebKF would have contributed to the understanding of the individual perceptions of inclusive freedom and other factors. This study used multi-methods to provide clarity and insight to obtain a comprehensive understanding about the situatedness of free speech within the context of higher education in Ontario. Unfortunately, insufficient data was collected from the participants to say anything conclusive about these matters.

5.5. Summary of Finding Discussion

Initial mapping of the literatures through theoretical, conceptual and empirical indicated that there were complexities associated with the concept of free speech, Therefore, the freedom of expression policy analysis was a challenge to tease out the connections and tensions among the two opposing views- one in favour of free speech

and the other in favour of protection for those might get excluded from full participation. This necessitated examination of the free speech policy from different perspectives.

Pal's policy (2014) framework was selected because he defines policy analysis as a disciplined application of intellect is required rather than speculating. He proposed established methods to examine a policy (Pal, 2014). Using four types of reasoning (normative, legal, logical, and empirical), this framework helped to untangle the interwoven concepts from a cross disciplinary domains related to free speech policy. After performing normative and legal analysis, OntarioTechU policy (2018) was found to be interconnected with compatibility to provincial, national and international levels. (Table 4.2)

A sub-framework of humanistic education theory connected with Pal's (2014) logical analysis particularly in the context of higher education and as an offshoot from the normative and legal analysis helped in exploring Rogers (1969, 1995) principles of freedom to learn and empathy. Both these concepts were found definitional aligned to the concept of "inclusive freedom" (OntarioTechU policy, 2018).

As part of one of the research questions, the aim of this study was to find potential solutions to the complexities of free speech or forwarding this research towards that end. Technology was explored to engage participants in an evidence-based conversation. Another sub-framework, the FOLC model (vanOostveen et al., 2016), was used to analyze and determine concepts helpful for a potential solution to the concepts of free speech. This sub-framework remains underdeveloped but continues to hold promise.

Under Pal's (2014) framework these logical tangents of humanistic education and the FOLC model framework were found helpful to look at the legal, the normative, and

the empirical aspects. These helped to examine the policy from different perspectives.

The policy analysis of the freedom of expression policy has indicated that (a) free speech is an interconnected concept interwoven into cross disciplinary domains. Studies related to free speech particularly in the context of higher education may require similar cross-disciplinary approaches.

Empirical data produced on best practices related to inclusive freedom has the potential to indicate the level of humanistic education imparted in the classroom settings of any higher education institutions. In a revised role of higher education institutions as a social organization (Ben-Porath, 2017), corporate employers expect students to have not only the professional knowledge, additionally they value humanistic learning. Having such a combination of soft skills possible can prepare students to address team inclusion, coordination and leadership issues at the workplace. Corporate employers are expecting from learning institutions and value students for having such humanistic skills of freedom of speech and empathic consideration for other members in the diverse growing work environments (Giudici, Dettori, & Caboni, 2020).

Data on inclusive freedom will benefit both sides of the free speech debate. Growing concerns from defenders of free speech would find the data valuable and so would this empirical evidence useful for those who raise opposing concerns and are likely to get excluded from full participation in the learning environments. Within the inclusive freedom (OntarioTechU Policy, 2018) and humanistic education framework (Rogers, 1969) is the flexibility to include opposing perspectives within free speech conversations and assures an amicable solution

The interconnectedness analyzed above addresses the growing concerns from the defenders of free speech, who would find the analysis valuable and so would this empirical evidence useful for those who raise opposing concerns to restrict free speech and freedom to learn.

FOLC's Pedagogical Implications – a Potential Solution to Practice Inclusive Freedom

How do individual learners, other stakeholders, and on a different level, higher education institutions embrace and practice inclusive freedom in their communities (based upon associated elements such as freedom of expression, freedom to learn, empathy, participation and inclusion of everyone without discrimination? Figure 5.2 illustrates some of the complexities associated with free speech on the right side of the graphic and how a resolution is arrived at between the opposing perspectives of freedom to share new ideas and challenges of including expression of all others. There is an interconnection between and great value in understanding inclusive freedom with Rogers' (1969) principles- freedom to learn and empathy- of humanistic education theory. The figure portrays a movement between two opposing positions on the left side between the freedom to challenge ideas and also to include the free expression of all including those who could be marginalized. Freedom to learn and empathy could be included as part of this inclusive freedom in that it bridges these two opposing positions. These interconnections provide insights into understanding and have pedagogical implications to explore the challenges while establishing a community of free learners in which learners can engage in determining the deeper side of the truth about freedom to learn with empathy.

Based on the experience of using FOLC model in this study, it is perceived that FOLC has potential to address the shaping of experiences of learners within learning environments and how to allow people to practice and experience inclusive freedom. It follows then that the FOLC model might be used to foster the idea of Inclusive Freedom within communities. The following paragraphs describe how this model is appropriate and how this might be enacted.

The FOLC model is about providing learners pedagogical opportunities. The instructional approach through FOLC environments is more along the lines of a sandbox than it is a simple working desk or allotted workspace within a learning environment. Within the sandbox space, or more specifically the community of learner's digital space, DS, physical or virtual, the FOLC model offers possibilities for individuals to reach new understandings of concepts within contexts that respect issues of diversity, equity, and inclusion. In this sandbox, DS issues of power and control are addressed providing freedom to learners that are similar to that provided to children playing within sandbox physical spaces. That is, children playing within a sandbox may pursue their own interests and create as the impulse seizes them. The opportunities to explore and inquiry are provided through the affordances of the tools that are used. These offer possibilities to explore feelings of learners, about both free speech and empathy and a wide variety of other subjects. Additionally, FOLC places on the dimensions of social presence, cognitive presence, and collaborative learning. These three presences provide opportunities to learners to develop skills that are endemic as human beings that are having social and cognitive interactions with other learners within the context of collaboration, negotiation and shared meaning-making. In order for these interactions to

take place, trust and confidence must be developed between members of the learning environment, allowing continuing respectful exchanges with one another. When treating others empathically, in other words, treating them in the same way as one wants to be treated, provides opportunities to everyone, not just few, to express themselves freely and fearlessly. From the perspective of social presence, this means that interactions and community can be built on the foundations of trusting each other, valuing the contribution of others, and acting on these contributions become vital.

A second aspect of work within FOLC environment concerns negotiation. What does it mean to construct meaning for individual understanding, and how does meaning and understanding emerge when working with other learners? Learning within FOLC environment requires working with others to increase procedural (processes used to create knowledge) and declarative (the product side of) knowledge, particularly when working within the context of sandbox-like analogy. The kinds of conversations held would not be limited by traditional power and control structures within these spaces, instead it would be driven by the freedom to learn, ask questions, and should include diverse perspectives regarding the type of knowledge shared, learned or co-created. FOLC environments then become Inclusive Freedom Practicing learning environments. The way these are structured determines, to a large extent, the kind of conversations that could take place for the expression of speech, empathy, and participation without discrimination that becomes available to each individual within that environment.

Chapter 6. Summary and Conclusions

This study analyzed free speech or freedom of expression policy in the context of higher education in Ontario. The study crossed disciplinary domains: legal, political, educational, and the business world. The study analyzed these relationships, the value and significance of free speech and how value stances can protect and promote free speech. A dichotomy emerged from the debate of free speech. This dichotomy was further explored and conceptualized within Roger's (1969, 1995) freedom to learn and empathy principles in the context of humanistic education. The synthesis of findings determined a concept of inclusive freedom (Ben-Porath, 2017) as a comprehensive lens to review free speech incidents in higher education. The study found that there is an intent, realization, and adoption of the concept of inclusive freedom in the OntarioTechU Freedom of Expression policy (2018).

It also determined the value of inclusive freedom and its appropriateness in the Freedom of Expression policy. The reasons are as follows:

- the role of universities as socially inclusive institutions (Ben-Porath, 2017)
- the UN's revised framework of humanistic higher education with inclusive learning, opportunities to explore optimum individual potential for everyone and gender equality (UNESCO, 2016)
- a required focus on inclusive freedom to enhance the prospects of employability of students.
- the corporate world requires humanistic learning, and

- students along with work related knowledge, need training to practice concepts such as inclusive freedom, to meet the needs of diverse growing workplaces (Giudici et al., 2020).

6.1. Inclusive Freedom and Implementation

This study employed Pal's (2014) policy framework (normative, legal, logical and empirical reasoning) to examine free speech within higher education in Ontario. It determined the concept of inclusive freedom emerged from the descriptive knowledge of human rights (UDHR, 1948); the Charter (1982); the OHRC (1990) and the OntarioTechU policy (2018). When synthesized, these individual findings on inclusive freedom determined further interconnectedness with the core principles of Rogers' (1969, 1995) humanistic education theory: freedom to learn and empathy, as a sub-framework within Pal's policy analysis.

To strengthen the implementation of inclusive freedom, the study explored FOLC (vanOostveen et al., 2016) a framework developed at the Ontario Tech University. The FOLC model conceptualized the cognitive and social presence of the collaborating participants who co-create knowledge within an inclusive freedom space (digital or in person) using technologies such as Knowledge Forum v6 (Scardamalia and Bereiter, 2017). An outcome is democratized learning (vanOostveen et al., 2016). It is hoped that the implementation of FOLC type environments will allow for greater freedom of expression to be provided as one of the educational opportunities made available to students.

Due to the complex dimensions associated with the concept of free speech, a policy analysis that looked at these complexities through different lenses was required. Pal's

(2014) tool was effective to organize this study on free speech policy. Particularly, it was important to consider the empirical reasoning because (a) there was little empirical evidence surrounding free speech addressing its dichotomy and cross-disciplinary connections within the context of higher education in the literature review; (b) there was minimal empirical evidence due to a short span after the policy was announced upholding free speech on campuses; (c) and relationship of free speech with empathy. However, due to limitations of the study, the empirical analysis could only be performed in a limited way.

Using Pal's (2014) framework, logical analysis thorough systematic combining (Dubois & Gadde, 2002) for the case study was helpful. Similarly, normative and legal analysis helped to organize and find interconnectedness between these domains when situated within the context of higher education. Conducting a policy analysis related to a complex concept like free speech required a comprehensive framework. Pals' (2014) policy analysis framework helped to do this.

In this study, Pal's policy analysis framework was used to understand and analyze free speech. The framework added great value as none of interconnected domains such as legal, political, societal, educational or technological could be considered separately from each other. This framework was necessary due to the dynamic nature of the free speech, interconnected domains and due to associated complexities. By taking into consideration four types of analysis – normative, legal, logical and empirical – situations were expressed in a meaningful and insightful way. The dynamics that played within these four types of analysis, despite that each type could stand out as an independent measure to explain the free speech policy, helped in developing a comprehensive understanding of

the concept of free speech and inclusive freedom. Future studies, particularly, about freedom of expression policies in Ontario's higher education sector, that aim to take a comprehensive inquiry approach to free speech should find this framework relevant and reliable. However, a limitation regarding the use of Pal's framework was perceived in that there might have been other methods which might enhance an understanding of free speech and the ways in which free speech could be promoted to the larger sections of society. These methods were not included in the study. Nevertheless, the framework was required due to the complexities and interconnectedness of various domains associated with free speech to gain deeper understandings.

6.2. Relationships of free speech with empathy

The relationship of free speech with empathy was found grounded in the concept of inclusive freedom (Ben-Porath, 2017; OntarioTechU, 2018). When situated within, FOLC model inclusive freedom further conceptualizes a space and an opportunity to practice free speech with empathy, like Rogers' (1969, 1995) encounter groups. This study suggests that, unless empirical data is produced on inclusive freedom using technologies and frameworks such as FOLC, the issues related to free speech might remained tangled. HEQCO (2019) report indicates a need for such empirical data on free speech policy. This study has also found that female (as compared to others) students' responses suggest that they are supportive of the concept of inclusive freedom.

Each dimension of free speech adds complexity to understand it and each has potential to prompt a free speech related incident both inside higher education institutions and outside in the society. Based on aforesaid changing political, economic, social values and their interconnectedness with education, higher education may benefit by

implementing an appropriate strategy to strengthen inclusive freedom. Success of the strategy could depend on using technologies similar to or within the FOLC (vanOostveen et al., 2016) model, engaging students in a continuous co-creation of knowledge, practicing free speech and becoming highly trained in the use of inclusive freedom. The concept of inclusive freedom is tied to Roger's (1969, 1995) freedom to learn and empathy. Research indicates that empathy as a constituent has a trainability component that an educational institution should be open to embracing. In conclusion, this study used different focus areas and allowed the policy to be explored more comprehensively in a hope that it will encourage future studies about free speech.

This study has taken an intrinsic approach to the concept of free speech that is grounded in Rogers' (1969) humanistic education and is intimately connected to the inclusive freedom of expression within a university setting. Within the parameters of the intrinsic approach, there is a solid consideration of feelings, trust, openness to learn and confidence of learner - who feel completely satisfied that they enjoy freedom to learn in a given learning environment and are empathic towards others. As a group of learners, they are convinced that they can express all kinds of thoughts, share creative ideas, and freely inquire with a common aim to obtain an enriched learning experience. On the other hand, learners are also fully aware and demonstrate empathic behaviour towards fellow learners. Having access to such self-evaluations that empathically determine how and what other persons would perceive, has a potential to ensure that a learners' speech or action has no discrimination or harmful effect on other learners. As Rogers (1995) points to this harmonization or balance between freedom to learn and empathy are obtained within the deep core, an individual learner has a potential to trigger a reflective and

respectful impulse for a behaviour that demonstrates practicing of inclusive freedom.

From the policy analysis (Pal, 2014) this study has found support for the concept of inclusive freedom and its interconnectedness with other domains such as legal, policy, education, technology, and business that must work with the complexities of free speech. Learners need to reflect, evaluate, reason out and draw the final line using empathic considerations while practicing inclusive freedom on campus. With empathy having trainability components, aligned with education, training and learning goals, having learners practicing inclusive freedom shows some promise.

6.3. What more could be done in this area?

The study observed a growing need to engage students in open, fearless discourse and provide opportunities where collaborative conversations continue (vanOostveen et al., 2016) using technologies and frameworks, with reason and evidence without any coercion (Habermas, 1991) and respectful (Ben-Porath, 2017) empathic (Roger, 1995) communications. This study demonstrates the interconnectedness of legal-policy, humanistic education, and technology adoption to investigate and inform education research on free speech. This study also has important educational implications. Students at all levels of schooling, including higher education, can learn how to disagree respectfully with each other. They can learn to understand the need for trigger warnings. They can learn how to create and promote safe spaces. With theoretical assumptions from Rogers' (1969) work grounded in this intrinsic approach, a learner committed to the principles of freedom to learn and empathy can seamlessly practice inclusive freedom within higher education learning environments with the least likelihood to produce any hate through speech or in actions.

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Appendices

Appendix A. Questionnaire Adapted from HEPI Survey (Hillman, 2016)

Q. A1. Please select your Faculty from the following list *

Choose one of the following answers

Please choose only one of the following:

Physical Sciences (Examples: Mathematics, Physics, Chemistry)

Social Sciences (Examples: Communications, Criminology, Education, Legal Studies)

Health Sciences

Engineering

Others

Make a comment on your choice here:

Q.A2. Are you a new or returning student? *

Choose one of the following answers

Please choose only one of the following:

New

Returning

Q.A3. Which program are you studying in? *

Choose one of the following answers

Please choose only one of the following:

Under graduate degree

Graduate degree

PhD

Post Doc

Other

Q.A4. In which of the following years are you studying at the university? (Drop down)

Choose one of the following answers

Please choose only one of the following:

First year

Second year

Third year

Fourth year

Five years or more

Q.A5. Are you a domestic or an International student? *

Choose one of the following answers

Please choose only one of the following:

Domestic

International

Q.A6. What is the first language you learned as a child and can still read, write and speak?

Please write your answer here:

Q.A7. With which gender do you identify?

*

Choose one of the following answers

Please choose only one of the following:

Female

Male

Trans

2-Spirit

Other

Q. A8. Which of the under-represented groups do you belong to? *

Check all that apply

Please choose all that apply:

Sexual minority

Religious minority

Racial minority

Differently-abled

Other

Q.A9. What age group do you belong to? *

Choose one of the following answers

Please choose only one of the following:

less than 19 yrs

Between 19 to 25 yrs

Between 26 to 35 yrs

More than 35 yrs

Q. A10. Select your time status *

Choose one of the following answers

Please choose only one of the following:

Full-time

Part-time

Please write your answer here:

Q.B1. At your university, do you currently feel you are free to express your opinions and political views openly and without any restriction? *

Choose one of the following answers

Please choose only one of the following:

Yes, completely

Yes, somewhat

No, probably not

No, absolutely not

Don't know

Q.B2. And currently at your university, do you feel you have satisfactory protection to stop you from experiencing any discrimination or emotional harm? *

Choose one of the following answers

Please choose only one of the following:

Yes, completely

Yes, somewhat

No, probably not

No, absolutely not

Don't know

List of statements *

Please choose the appropriate response for each item:				
5 - Completely agree	4	3	2	1- Completely disagree
Training that teaches the ability to understand other cultures should be mandatory for all university staff				
b. Education should not be comfortable, universities are places of debate and challenging ideas				
c. Universities should never limit free speech				
d. Students' unions should ban all speakers that may cause offence to some students				
e. Universities are becoming less tolerant of a wide range of viewpoints				
f. Universities should consult special interest groups (e.g. religious societies or gender societies) about on-campus events				
g. University publications should not be censored in any way, even if they may be considered offensive to certain groups of students				
h. Academics should be free to research and teach whatever they want				
i. Even if some people might protest, a university should never back down from an event				
j. I think that a lot of student societies today are overly sensitive				
k. If academics teach material that heavily				

offends some students,
they should be fired

l. Students that feel
threatened should always
have their demands for
safety respected

m. If you debate an issue
like sexism or racism, you
make it acceptable

n. Protection from
discrimination and
ensuring the dignity of
minorities can be more
important than unlimited
freedom of expression

o. The best way to fight
prejudice is to debate it
rather than to ban it

Q.C1. When in doubt, which approach should your university favour as an overall policy?

Choose one of the following answers

Please choose only one of the following:

They should focus on ensuring unlimited free speech on campus, although offence may occasionally be caused

They should ensure that all students are protected from discrimination rather than allow unlimited free speech

They should not get involved in such matters at all

Can't decide - it's a complicated matter

Don't know

Q.C2. Do you agree with the policy that allows inviting a guest speaker to share their perspective on controversial issues?

Choose one of the following answers

Please choose only one of the following:

Yes, the OntarioTechU should refuse a platform to those that may cause offense to particular student groups

To some extent, I agree with some of the people/organisations the OntarioTechU ban but not all

No, the OntarioTechU should not limit free speech or discussion

Don't know

Q.C3. If some students or staff are unhappy with a particular event at their university that is taking place within the law, which of the below actions should they have the right to carry out?

Choose one of the following answers

Please choose only one of the following:

Use official communication channels outside the event to present their views

Attend the event and have the chance to speak

Hold a protest outside the event

Stop the event from happening

Disrupt the event

Other

None of the above

Don't know

Q.C4. University libraries sometimes stock controversial resources (e.g. books) for the purposes of academic study. In your opinion, should any of the following resources be banned from university libraries even if they can be used for academic study?

Choose one of the following answers

Please choose only one of the following:

All resources should be included for the purpose of academic study, regardless of content

Resources of sexual images that are illegal in the Ontario

Resources that deny the Holocaust or support fascism

Resources regarded as defending racism of any sort

Resources regarded as defending sexism of any sort

Resources that could be regarded as offensive to those with a religious faith

Resources arguing against democracy

Resources that support communism

Don't know

Q.C5. From your point of view, what should universities do today regarding statues and memorials?

Choose one of the following answers

Please choose only one of the following:

Universities should get rid of statues and memorials completely

Universities should sometimes get rid of statues and memorials; it depends on the circumstances

Universities should always keep such statues and memorials

Don't know

Q.C6. Some student unions refuse to sell certain tabloid newspapers in their shops on the grounds that they display sexist views. To what extent do you agree with this policy?

Choose one of the following answers

Please choose only one of the following:

Strongly agree

Agree

Neither agree nor disagree (neutral)

Disagree

Completely disagree

Q.C7. Gender segregation means having men and women sit apart. In your opinion, should gender segregation be allowed at official university events where it is a key part of the culture or religion of the student group involved?

Choose one of the following answers

Please choose only one of the following:

Yes

No

Do not know

Q.C8. Which of the below measures do you think are reasonable for universities to undertake to prevent terrorism?

Choose one of the following answers

Please choose only one of the following:

Working closely with the police and security services to identify students at risk

Training staff to recognise people that might support terrorism

Monitoring societies or student groups that are believed to be a risk

Referring students believed to be a risk to the authorities

Banning certain events with external speakers

Personal in-depth monitoring of individual students believed to be a risk

Monitoring and filtering online material

Other

None of the above

Don't know

Q.C9. Do you think universities should adopt safe spaces policies?

Choose one of the following answers

Please choose only one of the following:

Yes

No

Don't know

Q.C10. In many higher education courses, such as English literature or Law, difficult issues are sometimes discussed that some people may find uncomfortable - for example, issues around sexual consent. It has been suggested that lecturers should use 'trigger warnings' to warn students in advance so that those who wish to leave can do so. Do you agree with this idea?

Choose one of the following answers

Please choose only one of the following:

Yes, trigger warning should always be used to protect students from offence

Yes, trigger warnings should sometimes be used if a topic is especially controversial or shocking

No, trigger warnings are over the top in a university environment

Don't know

Please answer following statements *

Please choose the appropriate response for each item:

	0 (does not describe me 1 well)	2	3	4 (describes me very well)
a. Before criticizing somebody, I try to imagine how I would feel if I were in their place.				
b. If I'm sure I'm right about something, I don't				

waste much time listening
to other people's
arguments

c. I sometimes try to
understand my friends
better by imagining how
things look from their
perspective.

d. I believe that there are
two sides to every question
and try to look at them
both.

e. I sometimes find it
difficult to see things from
the other person's point of
view.

f. I try to look at
everybody's side of a
disagreement before I
make a decision.

g. When I'm upset at
someone, I usually try to
"put myself in their shoes"
for a while.

h. When I see someone
being taken advantage of, I
feel kind of protective
towards them.

i. When I see someone
being treated unfairly, I
sometimes don't feel very
much pity for them.

j. I often have tender,
concerned feelings for
people less fortunate than
me.

k. I would describe myself
as a pretty soft-hearted
person.

l. Sometimes I don't feel
sorry for other people
when they are having
problems.

m. Other people's
misfortunes do not usually

disturb me a great deal.

n. I am often quite touched
by things that I see happen.

22.01.2020 – 18:48

Submit your survey.

Thank you for completing this survey.

Appendix B. Ontario Tech University - Freedom of Expression Policy

Freedom of Expression Policy

Classification number LCG 1140

Framework category Legal, Compliance and Governance

Approving authority Board of Governors

Policy owner Vice-President, Academic and Provost

Approval date November 29, 2018

Review date November 2019

Purpose

The purpose of this Policy is to confirm the principles and management of free expression in the University community.

Definitions

For the purposes of this Policy the following definitions apply:

“Freedom of Expression” means the free expression of ideas and perspectives through a variety of media, including text, performance, images, or the spoken word (free speech), either virtually or physically, by individuals or groups.

“functioning of the University” means carrying out University academic, research, and administrative activities.

“Inclusive Freedom” means a commitment to the robust protection of free expression, including the expression of those who could be marginalized, silenced, or excluded from full participation.

“Online University Environment” means all online media including websites, email, social media accounts, online learning tools and applications provided, managed or

self-identified as belonging to the University. This includes the University's website, branded Twitter and Facebook Live events, as well as online learning and collaboration tools such as Google Apps for Education.

“University Members” means individuals who are:

Employed by the University;

Registered as a student, in accordance with the academic regulations of the University;

Holding an appointment with the University, including paid, unpaid and/or honourific appointments; and/or

Otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

“University Space” means any location owned, leased, rented or otherwise occupied by the University.

Scope and authority

This Policy applies to all University Members, authorized visitors, and guests to University Space and the Online University Environment.

The Provost and Vice-President, Academic, or successor thereof, is the Policy Owner and is responsible for overseeing the implementation, administration and interpretation of this Policy.

Policy

The University endeavors to provide a safe environment, conducive to personal and intellectual growth, not only free of discrimination, injustice and actual or threatened violence, but also characterized by understanding, respect, peace, tolerance, trust, openness and fairness. The University is fully committed to promoting and advocating academic freedom and Freedom of Expression. At the same time, it has a responsibility to ensure that all members of its community can reasonably expect to pursue their work and studies in a safe and civil environment.

The University is committed to free and open inquiry into all matters and, therefore, guarantees all of its community members the broadest possible latitude to speak, write, challenge, and learn in an environment of Inclusive Freedom. This policy articulates that commitment, as well as the limits on Freedom of Expression and the constraints on protesting or challenging the Freedom of Expression of other community members.

Assertion of Freedom of Expression

Consistent with the Ontario Human Rights Code, all University Members, authorized visitors, and guests are encouraged to express ideas and perspectives freely and respectfully in University Space and in the Online University Environment.

Limits on Freedom of Expression

The Freedom of Expression described in Paragraph 5 is restricted in that it may not:

Interfere with the university's legal obligations and/or violate municipal, provincial or federal law

Defame an individual or group

Constitute a genuine or credible threat, harassment, or discriminatory harassment based on a protected ground under the Ontario Human Rights Code

Breach fiduciary, contractual, privacy, or confidentiality obligations or commitments

Unduly disrupt and significantly interfere with the functioning of the University

The University may reasonably regulate the time, place and manner of expression in accordance with the Booking and Use of University Space Policy.

The Policy Owner or delegate, in consultation with General Counsel and/or relevant personnel, will be responsible for decisions that may result in limits on Freedom of Expression under this Policy, including the determination of when expression unduly disrupts or significantly interferes with the functioning of the University.

Limits on the Protest and Challenge of Freedom of Expression

Subject to the limits in section 6, University Members, authorized visitors, and guests are free to criticize and contest any view expressed in University Space or the Online

University Environment, and to criticize and contest speakers who are invited to express their views in University Space or the Online University Environment, but they may not unduly obstruct or otherwise significantly interfere with the freedom of others to express views they reject or even find abhorrent.

Conduct by students in contravention of this Policy will be subject to investigation and sanctions under the Student Conduct Policy.

The Policy Owner or delegate, in consultation with General Counsel and/or relevant personnel, will be responsible for making determinations regarding when protest and challenge of Freedom of Expression unduly obstructs or otherwise significantly interferes with the freedom of others.

Responsibilities of Student Associations and recognized Student Organizations

Student associations recognized under the Student Associations Accountability Policy are encouraged to adopt a policy that aligns with this Policy.

All recognized student organizations are expected to act in compliance with this Policy, as stated in the Policy on Recognition of Student Organizations.

Complaints

General complaints related to Freedom of Expression in University Space or the Online University Environment under this policy can be submitted to the Office of the Provost for resolution. The Office of the Provost will develop procedures for receiving and resolving complaints, including a form and a means for receiving complaints on its website.

Complaints related to decisions made by the University under this Policy will be addressed pursuant to the Safe Disclosure Policy.

Complaints related to the activities of recognized student organizations will be addressed pursuant to the Policy on Recognition of Student Organizations.

Complaints regarding conduct by Employees in contravention of this Policy will be addressed by the following means:

Harassment, violence or discrimination will be investigated under the Policy Against Harassment, Violence and Discrimination in the Workplace, and in accordance with any applicable collective agreements.

Other violations can be addressed by the procedures for receiving and resolving complaints in section 9.1, in accordance with any applicable collective agreements.

Monitoring and review

This Policy will be reviewed as necessary and at least every three years. An initial review will be conducted within the first year of implementation. The Policy Advisory Committee, or successor thereof, is responsible to monitor and review this Policy.

Relevant legislation

Ontario Human Rights Code

Related policies, procedures & documents

LCG 1111 Student Conduct Policy

LCG 1123 Intellectual Property Policy

LCG 1110 Policy on Recognition of Student Organizations

LCG 1117 Student Association Accountability Policy

LCG 1119 Safe Disclosure Policy

LCG 1119.1 Safe Disclosure Procedure

LCG 1105 Harassment and Discrimination Policy

LCG 1137 Policy Against Violence, Harassment and Discrimination in the Workplace

LCG 1137.1 Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace