



POLICY/INSTITUTIONAL PERSPECTIVES

English language policy prescriptivism in 21st century UK Universities: equality diversity and inclusion (EDI) legal and policy framework operating on staff and student language.

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ABSTRACT

This paper summarises the EDI related legal and policy forces acting on language use at UK and in particular Scottish Universities, whether in a teaching context, publishing, or simply as communication. The paper highlights the themes that show why particular language is prescribed or proscribed. In terms of how language is prescribed or proscribed, the focus is on legal duties on one hand and freedoms on the other. This paper is helpful for anyone interested in official and other powerful forces on language norm setting, particularly those operating in this context to understand their freedoms and restrictions on freedoms: understanding the delicate legal balances between promoting inclusion and avoiding discrimination; helping answer the questions “Do teachers have an obligation to teach certain language?” “Do students and teachers have an obligation to use certain language?”. This paper also provides context for anyone studying other aspects of the EDI linguistic prescriptivism phenomenon.

KEYWORDS:

language policy, prescriptivism, EDI



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1. Introduction

Use African Caribbean not Afro Caribbean

Use *they* not *he* as a generic singular pronoun

Avoid asking someone “Where are you from?”

Write antisemitism, not anti-Semitism

The first three are some examples from UK university EDI language policies (Durham, 2023; University of Edinburgh School of Physics & Astronomy, 2022; York St John University, n.d.), the final one from APA on bias-free language (American Psychological Association, 2023).

Now imagine an interaction where I ask a new colleague where they are from. My new colleague is unhappy and tells me this question is alienating and discriminatory. I have not read the relevant policy that recommends avoiding this question (York St John University, 2026). I am unsure whether to apologise, question their interpretation of my intention, or feel shame for not having a sufficient linguistic repertoire, as Piller (2021) terms it, in the context of socially valued language. EAP teachers have, as a central aim, the development of valued language (Wingate, 2026). Another example: a student complains because I am teaching non-binary language such as -x as a suffix or a gender inflection, as recommended by Knisely (2023). They say they find it offensive to their religious convictions. Am I at risk of this complaint going further? This may not be an EAP example, but highlights that all language teachers, and indeed all teachers, can find themselves in areas of sensitivity.

These are examples of language policy in practice, where attention is not only on rules but also on how people manage language rules in context (Nekvapil & Sherman, 2015). For EAP practitioners and other university staff, the above scenarios are perhaps more likely to be thought of as professional and social dilemmas than as questions of rules, law, or language policy. However, EDI policies function as *de facto* language policies. As Shohamy (2006: 53) argues, language policies operate through mechanisms that “dictate and impose” language practices. These EDI mechanisms carry duties and risks because EDI policies are sometimes advanced through legal duties, with these legal duties incorporated into universities’ policies which set and influence expectations of acceptable language use via institutional processes. Those institutional processes include disciplinary mechanisms that can result in staff dismissal or student expulsion. This is the reality, as we will see in this paper, even though EDI might be framed in other ways such as guidance, promotion of equality and inclusion, or as politically responsive prescriptivism (Curzan, 2014a).

Universities in Scotland and England operate under laws and other regulatory forces that lead to language management: some language is preferred; some is prescribed; and some is proscribed. While applied linguistics literature increasingly engages with inclusive language and social justice, there is seemingly no work mapping the legal and regulatory environment of language norms and linking this to language management. This paper provides a structured

overview of the EDI-related legal and policy forces that shape language management in higher education.

This paper is hopefully of interest to anyone working or studying at a university, not only in Scotland, to form a basis for considering the EDI forces, especially the regulatory powers arising under these, that may operate on language. This is partly in order to consider the type of language that might be language offences, and the penalties, but importantly to highlight the tensions that such regulatory forces generate, through defences, freedoms and contested understandings. As Nekula et al. (2022: 15) claim, power (along with interests) is the driving force of the language management process and therefore understanding power helps us understand language management in the EAP classroom and beyond.

2. University regulatory framework

Language norm-shaping in a university context may arise via a variety of formal and informal mechanisms. Collectively I refer to the sources of the rules, guidance, and mechanisms for enactment of these as the regulatory framework, not to be confused with a conceptual or theoretical framework that education and linguistics background readers may understand by the term framework. The regulatory framework summarised in this paper is for Scotland, though the situation for England is often very similar because much of it is based on the Equality Act 2010, which almost in its entirety applies to Scotland and England. The most formal, and those with the greatest power, set legal duties that are enforceable in courts, while the often less formalised and less powerful may come as a result of agreements with funders, membership of external bodies, or be set independently and internally, although even these internal policies will be influenced by the wider environment. Sources that make up the framework come under labels such as legislation, code, guidance, and policy, though we need to treat the final three labels with caution as they do not necessarily tell us their legal nature. Internal policy examples are largely, but not exclusively, taken from my own university, University of Glasgow (UoG). UoG policies are not used here as a case study. UK universities operate under a common legal and regulatory framework and therefore enshrine the same externally imposed duties into internal policy. As a result, policies across the sector are substantively very similar, meaning that the examples discussed here are highly representative of UK higher education rather than institution-specific.

This paper is organised by placing first the most powerful, in terms of liabilities, elements of the regulatory framework, starting with criminalised language, and moves towards the less powerful, ending with internal guidance.

3. Approach

Understanding inclusive language policies requires attention to the forms of language that are regulated and why they are approved or disapproved. Sometimes language is clearly specified, as illustrated at the start. However, in many cases, we can only understand what language is regulated via the why, namely via the underlying reasoning, values, or ideologies

that make particular terms acceptable or unacceptable. These justifications often relate to broader concerns about prejudice, harm, social inclusion, and so on, which in linguistic terms may be the underlying themes or ideologies. Although this paper uses the term themes, this term should not be interpreted in the meaning of a social science qualitative approach; rather, this paper follows a standard doctrinal method used in legal scholarship. In doctrinal analysis, regulatory texts are understood by identifying the legal concepts, interpreting these via the texts themselves where the underlying rationale is often explicitly stated, and also via appropriate commentary, most importantly by judges, but also by scholarly analysis (Bhat, 2020), while drawing out the legal relations that those concepts establish, as discussed further below.

The themes discussed here arise from the terminology of the regulatory instruments themselves; for example, a theme such as offence/offensive comes from definitions in the laws themselves and from other texts that enshrine those laws in internal policy documents, for example. To put it another way, a category or theme such as offensive is not inductively generated through coding procedures, but is doctrinally derived from sources such as statutory definitions, case law, and institutional policy wording. I make this point explicit here to guide readers to understand the analytical lens that might be confusing to readers from non-law traditions.

To be more specific on the legal relations, laws typically create rights and duties, though these terms may be implied via language such as can, may, must not, should, and so on. A useful pedagogical tool used to conceptualise and explain legal relations, called jural relations, is shown below in table 1. In table 1, the vertical relations are interdependent in the sense that if someone has a right, someone else must have a duty (the relationship is known as correlative); the diagonals are mutually exclusive meaning that if someone has a liberty/freedom in a particular relationship, they cannot have a duty in that regard.

Hohfeld's Jural Relations	
Primary rights	
Right (legal claim against the duty bearer below)	Liberty (freedom from a right or duty; a privilege)
Duty (must act or must not act; liable/answerable for breach of duty)	No-right (no duty to act; cannot legally stop liberty holder or force liberty holder to act)

Table 1: an explicated version of part of Hohfeld's system of jural relations based on interpretation published here: Allison (2020).

Thinking about these jural relations helps us to establish the relationships between teachers, students, employers, and also the wider public. For example, do I have a *right* not to be offended by a colleague? If yes, this would mean my colleagues have a *duty* not to offend me (they have an obligation to me), and my right is enforceable in court if someone breaches that duty. More loosely, even if courts would not necessarily become involved, might there be a right that is at least enforceable through internal mechanisms such as by making a complaint that the University (my employer) might uphold and declare some remedy – disciplining or even dismissing my colleague? Thinking about these relations helps us to be clear on questions such as those asked in the introduction e.g. if a student complains because I am teaching non-binary language, have I broken any duty to that student, or am I free/at liberty to design my teaching in this way and promote non-binary language? Is one obliged to teach particular language or use particular language? What if one's view of inclusive language comes into conflict with someone else's inclusion (called a paradox of inclusion—Ferdman, 2017)?

4. Legal regulations under criminal law

Criminalised language tends to be on the more extreme end of language prescription and therefore less typical of what is encountered in the day-to-day university environment. However, it is important to mention because staff and students need to know the most extreme mechanisms, and therefore their liabilities, that apply to the most extreme language offences. In addition, we will see that themes (the what language/why) have a clear link to the themes of other regulatory forces such as those in internal rules and policies.

Firstly, in terms of written speech, the Communications Act 2003, which covers all of the UK, makes it a crime to send online communications that are grossly offensive, indecent, obscene, or menacing (S.127). Victim reaction or perception can be evidence, particularly when assessing harm or impact, though criminality is not determined solely by how the recipient feels (Crown Prosecution Service, 2025).

Hate speech, which applies to written and spoken language, can be an offence in itself or act as an aggravating factor that increases the seriousness of another offence. Hate, in Scotland, consolidated under the Hate Crime and Public Order (Scotland) Act 2021, is concerned with behaviour including language against the protected characteristics of age, disability, race, colour, nationality (including citizenship), or ethnic or national origins, religion or, in the case of a social or cultural group, perceived religious affiliation, sexual orientation, transgender identity, variations in sex characteristics. Section 4 of that act makes it an offence where a person behaves in a way that a reasonable person would consider to be threatening or abusive (or, in the case of race, threatening, abusive or insulting), and where either the person intends to stir up hatred against a protected group or a reasonable person would consider the behaviour likely to result in hatred being stirred up. Police Scotland provide examples for public guidance such as verbal abuse or insults including name-calling and encourage reporting of incidents perceived as connected to a protected characteristic (Police Scotland, 2024).

Criminal law represents the most coercive force acting on language use, in universities and elsewhere, imposing duties not to use threatening and abusive language. While rarely

engaged in everyday teaching contexts, these legal themes will be seen throughout the regulatory framework including internal university policies. Another important point to make here that threads through the regulatory framework is the balance between freedom and duty when language engages subjective perceptions of being insulted and an objective assessment of whether conduct can reasonably be regarded as insulting or abusive. This is well illustrated through use of the word *hun* in Scotland. Considering an aggravated offence due to a football fan shouting the word *hun*, a judge deemed the term to be abusive, indicating prejudice (a sectarian slur) against Protestants, supporting the view of some in Scottish society. However, when the case was appealed, the appeal judge ruled, it was NOT a sectarian slur but a reference to fans of the Rangers Football Club and therefore not a criminal aggravation (Scottish Legal, 2023), supporting the view of others in society. For linguists, this may fall under the term indeterminate indexicality (Jaffe, 2016), or in other words, it shows how language meaning can be contested.

5. Legal regulation under public law and civil law

Universities in their public capacity owe duties to citizens (see for example Plowden, 2017) including students, and are also answerable to certain other public or governmental bodies such as regulators, who might require the university to grant remedies, and in some rare case, impose penalties on universities, where the duties are owed by universities themselves (see for example, UUK & Eversheds, 2022). However, as we will see, public and regulatory duties of universities typically operate on staff and students via internal policies. Breaches can lead to discipline and even dismissal/expulsion. For staff, such university action engages the private law framework of employment law; for students, the relationship is primarily governed by contract law though also under public law there is possible student recourse to regulators (e.g. SPSO in Scotland) or to court for students to challenge decisions e.g. if they are unreasonable and possibly if disproportionate (Government Legal Department, 2022). The area of law most directly engaged in all of the above in connection with EDI and language-related requirements is equality law, consolidated in the Equality Act 2010.

The Equality Act imposes rights and duties with the aim of protecting people from discrimination; this refers to discrimination based on any of nine protected characteristics (note – these are not identical to Hate Crime): age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (UK Government, 2013). Conduct that is prohibited is covered by Chapter 2 of the act — discrimination, harassment and victimisation.

Harassment (S.26) is “unwanted conduct related to a relevant protected characteristic”, having the “purpose or effect” of “violating dignity” or “creating an intimidating, hostile, degrading, humiliating or offensive environment”. The test is partly one of perception – the victim finding something offensive for example, with an objective element of reasonableness of that conduct having that effect (S.26(4)); in other words, it is not enough that you are offended (see for example *Ali v Heathrow Express and Redline Assured Security* [2022] EAT 54). There could be a defence for a student or employee who was disciplined for language connected to a

protected characteristic if they could convince the university that others might not be offended – consider the contested nature of the word *hun* for example. Intent does not need to be demonstrated by a complainant, just that it would be reasonable to suffer the effects of feeling humiliated etc.

In practice, employers have freedom in how to deal with claimed harassment, in employment law usually known as being within ‘range of reasonable responses’ (Jones, 2024), such as to take disciplinary action that includes dismissal (or expulsion in the case of students); note that university actions with respect to employees and students will typically need to satisfy tests of reasonableness and proportionality (e.g. UK Government, 2021; Baker, 2026; UUK & Eversheds, 2022). However, we will see below in respect of guidance from the EHRC (the guide for and to some extent guardian of the Equality Act), that universities, in terms of their freedom, may feel pulled towards taking action. It is also worth observing, before considering another key aspect of equality law, discrimination, that even when language does not fit the legal definition of harassment, it might be considered bullying. Although bullying is not legally defined, most employers prohibit it via their conduct policies characterising it through ACAS’ definition as unwanted behaviour that is offensive, intimidating, malicious, or insulting (ACAS, 2025). For employees, bullying could constitute a legitimate reason for being disciplined, disciplining ranging from being instructed to apologise, to attend training, or in extreme cases, dismissal.

The approach to complaints of bullying, as with other language offences, is often influenced by perception of a victim – it can still be bullying even if someone does not realise actions are insulting and therefore do not intend to act in a bullying manner (ACAS, 2025). Language perceived as religious discrimination such as *hun* could be disciplined, and unlike with harassment, wider views would not need to be considered by employers to defend their disciplinary action. However, in terms of protections for those accused of language offences, universities, as employers must act fairly in the case of dismissals (S.98(4), Employment Rights Act 1996) which would include a proportionality test (Baker, 2026). Even for employer actions that come short of dismissal e.g. a verbal warning, employees have a legal right not to suffer discrimination, which I will now expand on.

How might discrimination impact operation of language policies? The Equality Act provides protection against direct and indirect discrimination. Direct discrimination (S.13) describes less favourable treatment based on a protected characteristic. If the application of a policy led to disciplining a staff member for saying women don’t know anything about machines but did not do the same for the phrase ‘pale, stale, and male’ (note that these examples may fall under the term microaggressions – see further below), this could be directly discriminatory and justiciable in a tribunal. Indirect discrimination (S.19), which involves any PCP (Provision, Criterion, or Practice), may also come into play in language behaviour and policing. If, for example, rules or applications of rules apply in a way that puts a person linked to their protected characteristic at a particular disadvantage (Equality & Human Rights Commission, 2011), this could be challenged (the threshold for disadvantage is not necessarily high – Mahmood, 2020). For example, if particular words were mandated as non-use by policy or in practice could lead to instigation of a complaints process, an elderly student or staff member

might try to argue that these words are more likely to be known by younger people and so they, as an older person, are at a particular disadvantage; as this is an argument of indirect discrimination by the university, the university would require the defence that this policy or practice is a proportionate means to achieve a legitimate aim (Street, 2017). Looking at this particular example, we might consider the aim as legitimate, but would it be proportionate in the circumstances to discipline people for non-use of particular language that does not fall in the category of abusive, degrading, humiliating (hate-harassment-bullying)?

It is worth highlighting at this point the drift in the UK towards the term equity from DEI (Diversity, Equity, and Inclusion) in the USA. Equity may be understood as special treatment according to needs and is often linked to equality of outcome, not just equality of opportunity (Skidelsky, 2025). This is not lawful in the UK. Ss.158-159 of the Equality Act do allow limited “positive action” (distinct from positive discrimination) but this is tightly framed and would not extend to disadvantaging any group (UK Government, 2023). University EDI initiatives and policies aimed positively in respect of specific marginalised groups would be unlikely to face legitimate challenge from staff or students (see for example advice from an international law firm – BCLP, 2023). Thus, something legitimate might be a statement that in respect of teaching strategy, a university aims to “close the awarding gap for Black, Asian and Minority Ethnic students, and [prioritise] learning and teaching practices [that] ... are inclusive” (University of Glasgow, 2026c). However, something risky would be a policy or its operation that treats microaggressions as a form of unacceptable behaviour (thus, a disciplinary matter) when defined as “a statement... against members of a marginalised group such as a member of a *minority ethnic group*” (emphasis added) (University of Glasgow, 2025). Why risky? The framing might suggest it is a disciplinary offence that only certain ethnicities could commit. For example, if complaints were only taken forward by a university when they involve perception of anti-Black racism but not anti-English racism.

In terms of equality law and public duties, universities under the Equality Act have a “Public Service Equality Duty” (PSED) “to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. It also requires that public bodies have due regard to the need to eliminate discrimination, advance equality of opportunity, foster good relations between different people when carrying out their activities” (UK Government, 2013). There is a public body called the Equality and Human Rights Commission (EHRC) that issues guidance and also enforces, with powers of investigation and compliance notices for example (Equality & Human Rights Commission, 2026). An example of guidance from the EHRC that has the power to influence university policies in respect of language is the “Tackling Racial Harassment: Universities Challenged” report 2019 (Equality & Human Rights Commission, 2019b) informed by a survey completed by 141 universities across the UK (Equality & Human Rights Commission, 2019a). The survey revealed examples of “anti-Semitic [sic] and Islamophobic slurs, and anti-English sentiment at Scottish and Welsh universities, for both staff and students” (Equality & Human Rights Commission, 2019a: 7) and it notes that equality law is inadequate to protect individuals from harassment. It also appears to interpret PSED obligations “to eliminate harassment and to foster good relations” as requiring universities to promote complaining e.g. “ensuring that all incidents are

reported” (Equality & Human Rights Commission, 2019a, p.11). Clear themes are evident in this report of promoting cultural change and of safety.

EHRC has also provided guidance for Scottish universities on freedom of expression and academic freedom, a subset of Article 10 freedom of expression (Waltham-Smith & Murray, 2024), stating that discrimination and harassment are limits to freedom; “that certain views are lawful to express, but are unlawful in certain contexts such as in the workplace” (Equality & Human Rights Commission, 2025: 15). Although academic freedom is probably outside the primary language focus of this article, this point about limits to freedom of expression and academic freedom is worth clarifying for academics through the concept of ancillary academic expression; this may protect teachers, for example, exploring language that may be offensive because it “falls within the areas of their research, professional expertise and competence and thus is protected” (Waltham-Smith & Murray, 2024: 716). The legal basis comes largely under the Further and Higher Education (Scotland) Act 2005, S.26, incorporating Article 10 ECHR duties (note in England this area is now legislated under the Higher Education (Freedom of Speech) Act 2023). Similar language is incorporated at UoG’s statement on Freedom of Speech (University of Glasgow, 2024). A staff member dismissed would have recourse initially to employment tribunal while the employer, in order to justify a dismissal, would likely need to focus on the manner of expression, not the content (*Higgs v Farmor’s School* [2025] EWCA Civ 109).

Returning to public duties, UK universities have certain other duties that can influence approaches to behaviour. Perhaps of greatest relevance to EDI language is SFC funding conditions. The SFC is a public body that holds Scottish universities to account through funding, assurance and outcome-setting. As part of its remit and through a memorandum of understanding with EHRC has set national equality outcomes for tertiary education. Scottish universities are required to set out how they will contribute to these outcomes through institution-level outcome agreements, which are monitored by the SFC (Scottish Funding Council, 2026). One of the outcomes that will fall into our language/communication environment concerns safety and universities’ steps to “address harassment particularly in relation to disability, race, sexual orientation, trans identity and religion and belief” (Scottish Funding, 2023). What is the power of SFC on language? It is not hard law, but the SFC clearly directs attention to behaviour, including language, as perceived by different staff and student groups. Such regulatory lenses e.g. suggesting an outcome metric for race equality in the terms that “complaints of harassment or bias on the grounds of race will be dealt with appropriately because complaints procedures are fit for purpose and offer effective redress” (Scottish Funding, 2023: 14) could lead to a feeling of pressure, regulatory or reputational, to demonstrate compliance in relation to specific characteristics or sub-characteristics risking uneven or discriminatory practice. We can also see an expansion of theme into bias; anti-bias is very much part of international publishing guidelines, taking us beyond the powers and immunities associated with any particular country’s legal system (e.g. American Psychological Association, 2023; Committee on Publication Ethics, 2021 – over 100 COPE members, from publishing and universities, reported having guides on inclusive language, see Committee on Publication Ethics, 2023).

Before moving to internal language policy and related powers, two other sectoral memberships with expectations that connect to EDI are high profile – the code of good governance in Scotland, and UUK (a UK-wide membership body).

The custodians of the code of good governance (Scottish University Governance, 2023), which reflects legal obligations imposed by the Higher Education Governance (Scotland) Act 2016, are the committee of Scottish chairs i.e. the chairs from each university governing body (Scottish University Governance Group, 2026). The code says “Institutions must work to eliminate unlawful discrimination, promote and facilitate equality, and foster good relations across all protected characteristics. The governing body is expected to show leadership in pursuing these actions” (Scottish University Governance, 2023: 8). “Reporting of any incidence of inappropriate behaviour, so that it can be challenged and addressed, should be *encouraged*.” (my added emphasis) (Scottish University Governance, 2023: 15).

UUK, a membership body of 142 universities across the UK is a collective voice for those universities (Universities UK, 2026a). One of its areas of focus is EDI, on which it promotes collective action via advocacy and guidance documents (ibid.). There are numerous EDI-connected guides (Universities UK, 2026b) such as on racism and antisemitism. In the 2021 tackling antisemitism guide (Universities UK, 2021), for example, harassment is set as a problem to be addressed by members, and the guide includes microaggressions as a form of harassment. Some examples are provided. Microaggressions were introduced earlier in respect of Glasgow University; according to OED, these include statements regarded as an instance of indirect, subtle, or unintentional discrimination or prejudice against members of a marginalized group (“Microaggression,” 2026). UoG define them, in the context of racial harassment, as “characterised by communications that convey rudeness and insensitivity, and demean a person’s racial heritage or identity. Subtle snubs that are frequently unknown to the perpetrator, but clearly convey a hidden insulting message to the recipient”; some examples are provided such as asking where someone is from (University of Glasgow, n.d.-b). Elsewhere UoG reference “verbal indignities” as a form of “harassment” (University of Glasgow, 2021: 10).

Internally, universities will enshrine their legal duties in their own policies or codes, while other guidance and commitments often find their way into policy or codes. Taking UoG as an example, staff are covered by three conduct codes, as are students. Staff and students have one conduct code in common – the Dignity at Work and Study Policy. This policy lists, under harassment and bullying, demeaning, abusive, indecent or offensive language or comments (banter is not an excuse) i.e. the legal definition is augmented or glossed, perhaps from other guidance and commitments. As we saw earlier, there is an element of objectivity in the legal definition of harassment, whereas this policy covers banter (University of Glasgow, 2018).

Thus, charting the move from legal regulation to guidance and the themes— the reasoning to interpret language as acceptable or not – we have seen clear echoes of criminal law’s hate, abuse, insult, and safety in the way harassment and bullying are defined. However, we have also seen how harassment in institutional practice is more widely defined than in law, including microaggressions for example. The words dignity and respect also appear frequently. Further, we have seen the introduction of themes of bias, rudeness, insensitivity, indignity,

hidden insult, and pejorative (derogatory). In terms of its impact on university language users, equality law maintains the core duties reflected in criminal law—not to engage in abusive or insulting conduct—but introduces a more complex rights based regime, in which legally protected rights associated with different characteristics (old white men, young black women, etc.) may come into tension if not carefully managed by institutions, staff, and students.

6. Internal norm-shaping

This section is brief as each institution will have its own internal strategy, policy, and guidance documents. Each institution will differ somewhat in their commitments and particular concerns or priorities under EDI (Athena SWAN and Stonewall being two examples—Koutsouris, Stentford, & Norwich, 2022). Policies that intersect with EDI and language will be numerous - a Google search in January 2026 for “inclusive language” + “policy” resulted in 47,100 results, while adding “university” gave 31,700 results.

The mechanisms (the way language is managed) in this intersection can sometimes be thought of as aspirational and encouraging, contrasting with what we saw in sections 1 and 2; less about coercion or threat of penalty. As an example, the thematic framing of UoG’s equality & diversity process is mostly more positive and encouraging. The policy “aims at fostering good relations...promoting respect ... and challenging and preventing stereotyping, prejudice, discrimination and harassment” including advancing this through learning and teaching material, with staff responsible for “teaching content and resources [that] should demonstrate sensitivity to equality and diversity issues” (University of Glasgow, 2018). These aims appear elsewhere such as in the learning and teaching strategy 2020-2025, in which one of three core pillars is to “transform curricula and assessment in ways that address the societal challenges that we face globally, reflect our values of inclusivity and integrity” (University of Glasgow, 2026b) linked also to decolonising initiatives (University of Glasgow, n.d.-a). However, references to unacceptable actions and behaviour and disciplinary means of enforcement are also present in the equality and diversity policy e.g. section 6. (University of Glasgow, 2026a).

Norm-shaping, whether seen as aspirational and supportive, and whether or not labelled language policy, leaves EAP practitioners in a quandary; the regulatory environment carries encouragement, even expectations, but it also provides rights and freedoms that may not clearly align and may even push back, leaving the classroom and professional conduct sites of possible contention.

Conclusion

This paper has sought to highlight the key forces acting on universities and their staff and students, with respect to language use. This is because these forces are a form of language policy and illustrate powers, both legal and institutional; as stated in the introduction, power is one of the driving forces of the language management process (Nekvapil & Sherman, 2015). The institutional framework discussed is illustrated in figure 1.

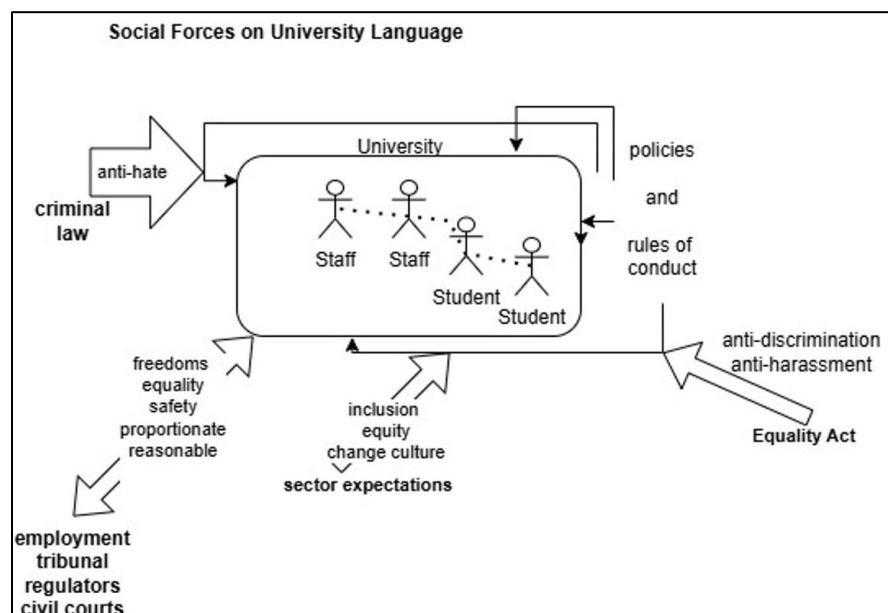


Figure 1: illustration of the regulatory environment for UK universities.

Language policy has been explored through themes ranging from abuse to rudeness, with powers understood through duties (and liabilities for breaching duties), rights, and through the absence of rights and duties – freedoms or no-rights.

Themes of language in this EDI context are mostly about protection from harassment and bullying i.e. the right not to be harassed or bullied, with policies to influence language moving into areas such as bias, insensitivity, and culture change. We have seen that the criminal law tends to have a higher bar for level of offensiveness (linked to impact) but is similar to equality law in terms of an objective test of reasonableness; this balance making many complaints legitimate and therefore a real threat, regardless of later questions of proportionality and reasonableness. I have also touched on risks for universities in trying to further activism in what we might term social justice in education (Arnesen & Allan, 2009), or equity, to prioritise particular groups. These risks arise under the Equality Act that sees, for example race, not a marginalised race, as the protected characteristic.

Do teachers under the EDI regime have an obligation to teach inclusive language? As a legal duty, no. Are they encouraged? Possibly. This paper is not aimed at answering these questions in a moral, political, or pragmatic sense. Language teachers were apparently the pioneering activists promoting non-sexist and inclusive *they* not *he* for a generic singular pronoun, now very much normalised (Pauwels & Winter, 2006) and this paper does not mean to engage in whether this is/was morally necessary or unnecessary. Do students and teachers have an obligation to use inclusive language? Legally, yes if on the spectrum from abuse to bullying, but less likely in the area of rudeness and microaggressions.

Problems perhaps become more apparent if we return to the two examples at the beginning of this paper. If a colleague were to complain about another colleague asking where they are from, what might this mean? What about the complaint about the teacher of non-binary grammar? In the regulatory framework set out, everyone has a legitimate complaint and counter-complaint because everyone has protected characteristics and everyone can feel abused in these situations; language of course is highly complex and context-dependent, and as we have seen, themes to interpret language (the *why* of prescribed or proscribed language) are the more common approach rather than specifics of what (word lists for example). Thus, use of language that was not intended to offend but which did offend could breach a duty not to bully and could even be interpreted as harassment (if perceived as being linked to a protected characteristic). However, the complaint itself could be viewed as bullying if interpreted as being malicious, or as harassment if interpreted as being linked to a protected characteristic.

This paper was not intended as a critical discussion but to make the regulatory landscape clear and to reveal it as a predominantly rights-based approach. This hopefully provides greater understanding of risks and protections when teaching or policing particular language use, and provides the basis for further critical thought on language policy at university. One example is my forthcoming research, which builds on the possible limitations of a predominantly rights-based approach to language policy and explores alternative forms of language intervention that prioritise cognitive flexibility. This has been informed partly by work highlighting the context-dependent and fluid nature of language difference, in which linguistic and social characteristics are not fixed but shift across situations and interactions (Ciuk, Śliwa, & Harzing, 2023). If the current environment focuses on rights, not to be offended for example, or centres phrases like zero tolerance (University of Glasgow, 2026c), are there concerns about escalation and conflict rather than dialogue? Do policies need to change or adapt. Do language teachers, students, and all language users need to be better at reflecting and better at intervening, not complaining?

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