

A row of nine colorful letter tiles spelling the word "INCLUSION" is centered in the image. The tiles are: I (green), N (yellow), C (white), L (blue), U (yellow), S (red), I (pink), O (yellow), and N (pink). The background is dark grey with many scattered white letter tiles, some of which are partially visible around the edges of the frame.

I N C L U S I O N

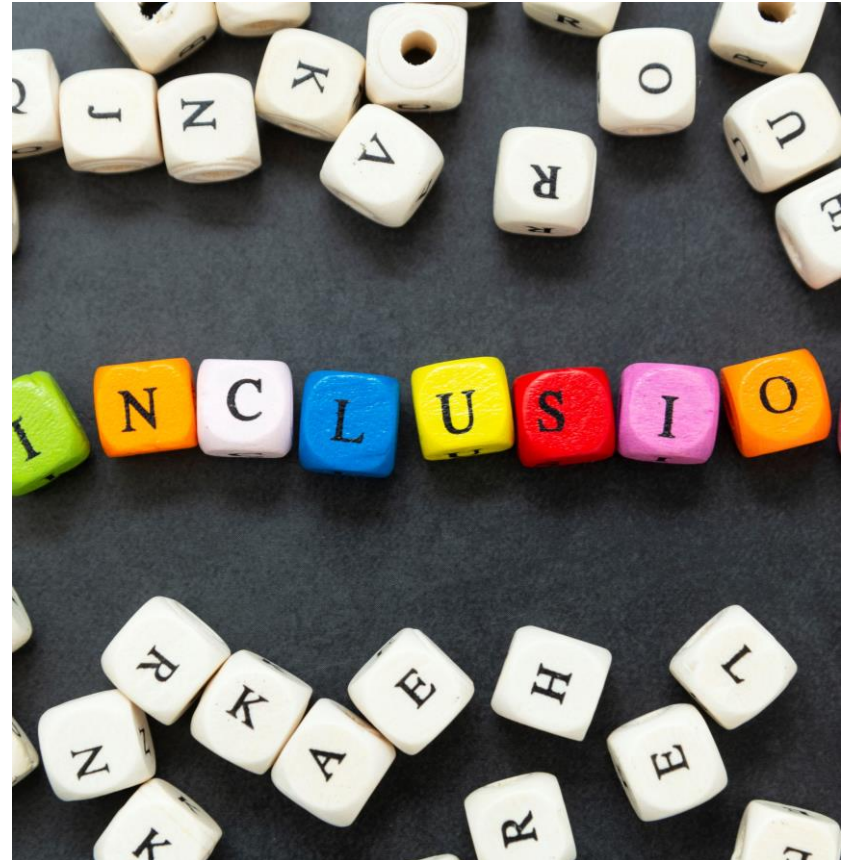
What Is Inclusive Language?

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The inclusivity of the word in quotation marks is in question. Is it inclusive by current standards?

- In a final exam question, the term “homosexual” is used to describe a gay man.
- Not inclusive. “Avoid identifying gay people as ‘homosexuals[,]’ an outdated term considered derogatory and offensive to many”



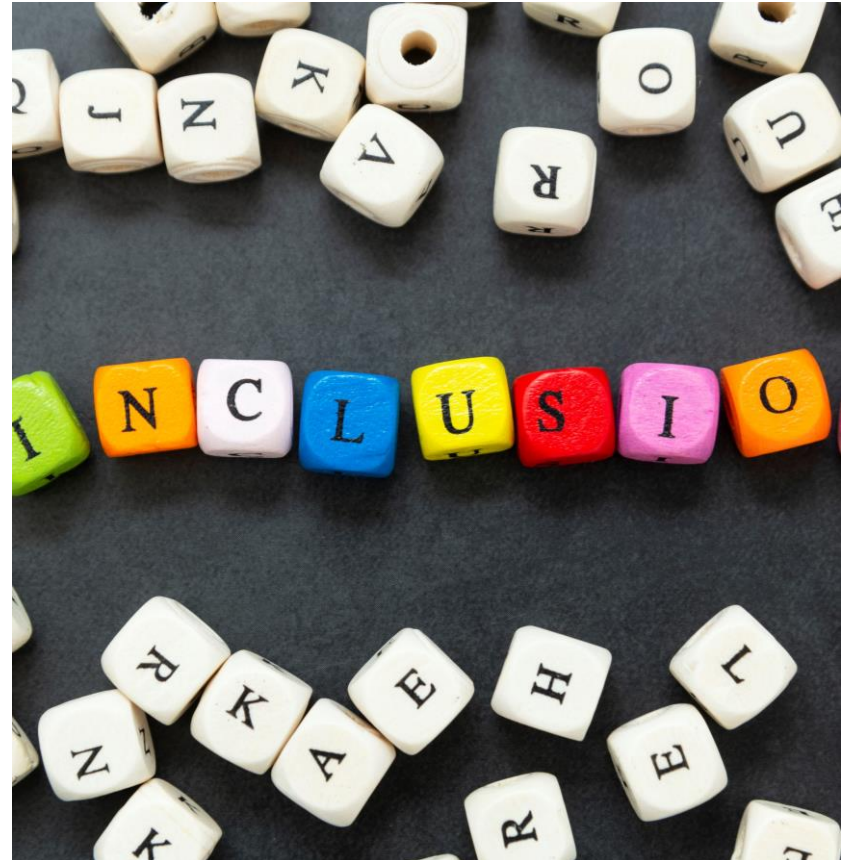
The inclusivity of the word in quotation marks is in question. Is it inclusive by current standards?

- In an office memorandum assignment, the record provides that the plaintiff was “disabled.”
- Not inclusive. “Use people-first language (i.e., person with a disability vs. disabled . . .) unless the person indicates another preference.”



The inclusivity of the word in quotation marks is in question. Is it inclusive by current standards?

- In a live-clinic, in the context of peremptory challenges, the motion referred to a juror as “Black.”
- Inclusive. The AP changed its style guide in 2020 to initial cap the term Black “when referring to people in a racial, ethnic, or cultural context.” Also, if one is not aware of a person’s preference, better to use Black instead of African American.



The Why . . .

- ABA Model Rules of Professional Conduct
 - Considers discrimination and harassment, which includes harmful verbal conduct, to be professional misconduct. Rule 8.4(g)
 - Majority of states have adopted some version of this rule
- ABA Standards & Rules of Procedure
 - Mandates that law schools “provide education to law students on bias, cross-cultural competency, and racism.” Rule 303(c).
- Our Students

Inclusive Language Is

. . .

- “Respectful: Inclusive language involves knowing about and showing respect for all
- Accurate: Inclusive language gives a more accurate view of the real world by reflecting social diversity rather than perpetuating stereotypes. It avoids making false assumptions about (or stereotyping) people”

Inclusive Language Guides & Glossaries . . .

Dynamic;
constantly evolving

- “Living” documents

Not necessarily
perfectly consistent

Many are
specifically created
for media

Few have been
created in the legal
context

Legal style books
provide little to no
guidance

Provide at least a
good starting point

A few good ones . . .

- Anti-Defamation League Glossaries
 - <https://www.adl.org/resources/tools-and-strategies/education-glossary-terms>
- GLAAD Media Guide for LGBTQ+ Terminology
 - <https://glaad.org/reference/terms>
- Inclusive Language Guide Hosted by The Collegian
 - https://collegian.com/wp-content/uploads/2018/11/Inclusive-Language-Guide_10_30_18.pdf
- Colorado State University Guide Regarding Disabilities
 - <https://disabilitycenter.colostate.edu/inclusive-language/>
- National Center on Disability & Journalism Disability Language Style Guide
 - <https://ncdj.org/resources/media-guides/>
- Pacific University Oregon's Equity, Diversity, and Inclusion Glossary of Terms
 - <https://www.pacificu.edu/life-pacific/support-safety/office-equity-diversity-inclusion/edi-resources/glossary-terms>

Inclusive Language Guide Created in the Legal Context

- City of Philadelphia Law Department created an Inclusive Language Guide, A Guide to Describing Identities Respectfully in Legal Writing
 - “How legal professionals use language has consequences at both an institutional and a societal level”
 - “We have compiled the best practices regarding language use in legal writing that reflect the City of Philadelphia’s commitment to fostering inclusivity, equity, and respect for one’s identity and individual circumstances”
 - <https://www.phila.gov/media/20230530134433/Inclusive-Language-FINAL.pdf>

Sampling of Inclusive Language Suggestions

- “A person's identity should only be described . . . if it is a fact that may determine the outcome of the case”
- “Refer simply to *pronouns*, NOT ‘preferred pronouns’ which suggests that there is some choice in whether the pronouns should be used”
- “‘S/he’ is often disliked by judges and that is still not inclusive of non-binary people, use *they* or, if possible, write in the plural”
- “Use *undocumented worker* or *undocumented immigrant*, NOT ‘illegal alien’ or ‘illegal immigrant.’ Those terms are outdated and often used in an inflammatory manner”
- “The term *minority* or *minorities* is collective when used as a noun and is defined as a group or groups differing especially in race, religion, or ethnicity from the majority of a population. Do not use these terms when describing individuals”

What if you are unsure about whether language was inclusive after the fact?

- Keep an open mind; be open to change
- Keep calm and respond
 - Try not to be defensive
 - Focus on understanding the other person's perspective
 - Ask for an explanation about their reaction for better understanding
- Apologize, learn from it, and try to avoid making the same mistake again





Using Inclusive Language in Assessments Will . . .

- Enhance our students' ability to provide greater performance and productivity
- Avoid or at least limit emotional triggers for students when they should, instead, be focusing on completing the assessment itself
- Create a welcoming learning environment that is respectful and accurate

I N C L U S I O N

Thank You!
