The Gender Distribution of Underrepresented Minority Undergraduates at UC Berkeley post-Proposition 209

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Abstract

This study examines the gender distribution of African American, Chicana/o and American Indian undergraduates at UC Berkeley during the time period spanning 1995-2005, paying attention to enrollment trends both pre- and post-Proposition 209. Whereas the effects of the elimination of affirmative action on the racial composition of the University of California's student enrollment have been widely discussed both in the academic literature and in the media, this paper contributes to existing knowledge by exploring possible effects of Proposition 209 on enrollment by race by gender. Analyses of enrollment data spanning 1995-2005 reflect not only a decreasing number of minority students, but also a gender gap placing females in the majority and males in the minority in each of the examined student populations, a gap that has become more severe for African Americans and Chicanos in the years following the implementation of Proposition 209 in 1998. In particular, the gender gap in the African American undergraduate enrollment at UC Berkeley has steadily widened since 1998, with the percentage of African American males dropping from 41% to 35% between 1998 and 2005. Additional analyses examine UC Berkeley applicants, admits and registrants by race by gender to gain greater insight as to the causes of the decline in UC Berkeley's minority male undergraduate population and to stimulate discussion on how to best address these enrollment disparities within the present legal context.

INTRODUCTION

In 1996, the state of California voted to ban racial preferences in university admissions, hiring and state contracting by passing statewide referendum Proposition 209. Whereas the effects of the elimination of affirmative action on the racial composition of the University of California's student enrollment have been widely discussed both in the academic literature and in the media (e.g., Barreto and Pachon, 2003; Geiser et al, 2000; Karabel, 1999; Ng, 1999), little emphasis has been paid to any effects of Proposition 209 on enrollment by both race and gender. As the underrepresentation of male students within minority student populations in higher education has been a critical issue of concern (e.g., Hagedorn et al, 2001; Allen et al, 1991), it is important to consider whether policies such as race-neutral admissions has had an effect on the number of male versus female minority undergraduates enrolling in the UC system. While some, including the former director of admissions at UC Berkeley, have suggested that the number of enrolled African American males has suffered in the wake of Proposition 209 (Laird, 2005a), this type of information has only come out in media sound bites rather than in a more systematic review of data.

In this paper, I examine the gender distribution of African American, Chicana/o and American Indian undergraduates at UC Berkeley during the time period spanning 1995-2005, paying attention to enrollment trends both pre- and post-Proposition 209. I begin with a brief review of relevant literature and follow with a conceptual framework delineating why Proposition 209 may have a gender effect on minority undergraduate enrollment. I then present and analyze undergraduate enrollment data spanning 1995-2005 for patterns relevant to the gender distribution within the underrepresented minority groups on campus, and follow this with data on the undergraduate applicant, admit and

registrant pools to further understand the trends in UC Berkeley's undergraduate enrollment by race by gender. As this paper represents a preliminary conceptual framework and exploration of the data, I conclude by providing suggestions of how this research should be extended to come to a greater understanding of the phenomenon in question.

LITERATURE REVIEW

The literature on affirmative action asserts that such policies play an important role in enhancing racial and ethnic diversity in college student enrollments (e.g., Bowen and Bok, 1998; Laird, 2005b). As such, it is not surprising that the retrenchment of affirmative action policies is also shown to have a detrimental effect on a college's ability to attract and enroll underrepresented minority students or maintain the level of diversity present prior to the retrenchment of the affirmative action policy (King, 2005; Laird, 2005b; Tierney and Chung, 2002). Indeed, California's passage and implementation of Proposition 209 eliminated the practice of affirmative action in admissions to the University of California, and has precipitated a decline in the number of underrepresented minority students being admitted to and enrolling at UC, particularly at UC Berkeley (King, 2005; Laird, 2005b; Karabel, 1999, 1998). While numbers have begun to recover, they have not reached pre-209 levels (UCOP, 2003; Geiser et al 2000). The literature on the effects of affirmative action policies, as well as the retrenchment of such policies, on minority student enrollment is well documented; however, no such analyses have been conducted that examine the effect or retrenchment of affirmative action policies on minority student enrollment by gender.

Relevant gender analyses of the minority student pipeline to higher education include research documenting the persistent underrepresentation of African American males among college-bound students, college students and college graduates (e.g. Brown, 2002, Hagedorn et al, 2001; Cuyjet, 1997; Allen et al, 1991). This work is part of a larger literature that documents the loss of African American males at various points of the K-12 and higher education pipeline due to an array of intervening factors. The gender literature on Chicano/Latino students paints a mixed portrait, addressing significant leaks in the educational pipeline for both Chicanas and Chicanos. Among the gender specific barriers noted in the literature, Chicanas are noted as facing barriers to college enrollment due to gender role socialization, the demands of domestic labor, and cultural norms (González et al, 2003; Chacón et al, 1986; Vasquez, 1982). While the barriers facing Chicano students are less frequently examined within a gender framework, literature does point to their underachievement relative to Chicanas in terms of college enrollment and degree completion (Harvey and Anderson, 2005; Carter and Wilson, 1993). Current literature conducting a gender-oriented analysis of American Indian college bound students has been difficult to locate. Across these three underrepresented minority groups, few of the gender-specific studies specifically address the challenges faced by students aspiring to highly selective colleges such as UC Berkeley, as the majority of the college bound minority student population does not enroll at such colleges. Furthermore, these analyses also do not focus on the effect of admissions policies on the gender distribution of student enrollments.

The framework and analysis presented in the paper make an attempt at addressing both race and gender in an examination of minority student enrollment within the context of a repealed affirmative action policy.

CONCEPTUAL FRAMEWORK

To examine the possible effects of Proposition 209 on minority undergraduate enrollment by gender, the conceptual framework employed in this paper focuses specifically on the retrenchment of affirmative action and its subsequent effect of the selection and enrollment of minority undergraduates by gender. The manner in which Proposition 209 has an effect on the gender distribution of minority undergraduates at UC Berkeley is related to both the widespread knowledge of minority male underrepresentation in higher education and in the admissions office's pre-Proposition 209 ability to correct for this type of male underrepresentation through the use of affirmative action in the admissions process.

As the literature illustrates, African American and Chicano males, relative to their female counterparts, are underrepresented in the college-bound student pipeline, in college enrollments and among degree recipients. Since the pre-Proposition 209 practice of affirmative action at UC Berkeley enabled admissions officers to extend special consideration to minority applicants, this same practice also enabled admissions officers to balance out minority student admission and enrollment by gender as well. Based on their knowledge of applicant and enrollment patterns by race and gender, UC Berkeley admissions officers, at their discretion, were able to give additional consideration to minority male applicants through the affirmative action program employed in the application review process.

In essence, affirmative action benefits were also informally being extended to males within minority student populations since they are traditionally underrepresented in the applicant pools and enrollments at selective institutions. The implementation of

Proposition 209 at UC Berkeley, which eliminated the use of affirmative action in admissions, essentially also eliminated the special consideration given to males within minority student populations. As a result, the implementation of Proposition 209 will have an effect on the gender distribution within the minority student enrollment at UC Berkeley, causing the proportion of males within each minority population to decrease and the proportion of females to increase. While this paper does not examine other campuses in the UC system, the effect of Proposition 209 on minority student gender distribution should be particularly acute at UC Berkeley relative to other UC campuses given Berkeley's high selectivity.

Since the underrepresentation of African American males at all points of the educational pipeline has been well documented, I hypothesize that the effect of Proposition 209 will express itself most dramatically within this population, causing the number of African American male undergraduates at UC Berkeley to decrease considerably.

DATA

Undergraduate enrollment data in this paper are drawn from Rand California Education Statistics, an interactive online database that features a clearinghouse of data on University of California enrollment. In my analysis, enrollment data by race by gender spanning a 10-year period were identified and converted into percentages to examine the gender distribution within each minority population. For additional context, percentages were also calculated of each minority population as a percentage of the entire undergraduate enrollment. Supporting data on fall semester undergraduate (freshman and

transfer) applicants, admits and registrants at UC Berkeley from 1995-2005 are drawn from UC Berkeley's Office of Student Research.

AFRICAN AMERICAN STUDENTS

For many years, scholars have voiced concern regarding the underrepresentation of African American males in higher education (e.g., Hagedorn et al, 2001; Cuyjet, 1997; Allen et al, 1991). Indeed, at UC Berkeley, the most severe and consistent divide between male and female undergraduate enrollment within any student population by race exists among African American students, with females far outnumbering the males. As shown in Figure 1, this divide has widened markedly since the implementation of Proposition 209.

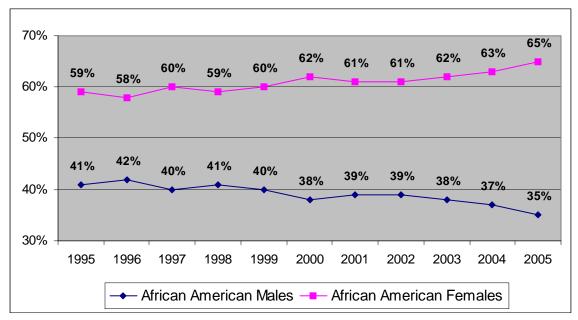


FIGURE 1: UC Berkeley African American Undergraduate Enrollment by Gender, 1995-2005 (expressed as a percentage of the total African American undergraduate enrollment)

In the three years prior to the 1998 implementation of Proposition 209, the gender distribution of African American undergraduates was already wide, with females

representing 58%-60% of the African American undergraduate population. However, the gender gap in UC Berkeley's African American undergraduate population has widened considerably since 1998. From that date forward, females have accounted for no fewer than 60% of the African American undergraduates at UC Berkeley, and in 2005, African American female undergraduates reached their highest proportional representation ever, representing 65% of the African American undergraduate population.

With its steady decline from 41% in 1998 to 35% in 2005, African American male undergraduate enrollment, as a proportion of the total African American undergraduate population at UC Berkeley, has declined at an average rate of approximately one percentage point per year since the implementation of Proposition 209. Should this trend continue, African American males will make up less than one-third of the African American undergraduates at UC Berkeley by 2007 and will fall below 30% by 2011.

To further illuminate these data, Bob Laird, former director of admissions at UC Berkeley, provides additional detail as to the gender distribution of African American students by highlighting statistics from the fall 2004 freshman class (2005a). Out of a freshman class of 3,671 students, there were only 108 African American students, or 2.9%, which at the time represented the lowest number of African American freshman at UC Berkeley in more than two decades. Among this cohort of African American freshman, 39 were male, and among those, 14 were recruited athletes. As a result, there were only 25 African American males in the entire UC Berkeley freshman class who were *not* recruited athletes.

Not only has the number of African American male undergraduates at UC Berkeley declined as a proportion of the African American undergraduate enrollment, but

the total number of African American students at UC Berkeley reflects an overall decline since the implementation of Proposition 209, both in terms of the actual number of students (Figure 2) and as a percentage of the total undergraduate population (Figure 3).

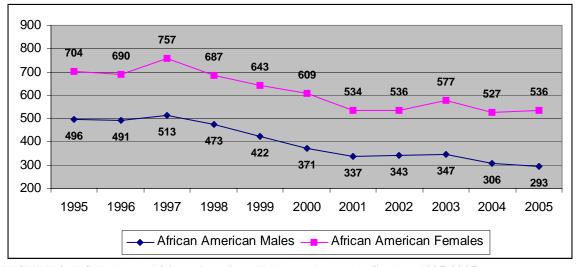


FIGURE 2: UC Berkeley African American Undergraduates by Gender, 1995-2005 (expressed in real numbers)

Whereas in 1998, there were 1270 African American undergraduates at UC Berkeley, making up 5.8% of the total undergraduate population, by 2005, that number had decreased to 829 students, or 3.5% of the total undergraduate population. As such, it is important to consider the decreasing African American student population when examining the widening gap in the percentages of African American males and females at UC Berkeley.

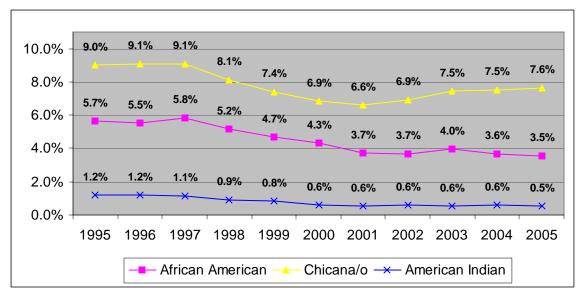


FIGURE 3: UC Berkeley Minority Undergraduate Enrollment by Race, 1995-2005 (expressed as a percentage of the total undergraduate enrollment)

CHICANA and CHICANO STUDENTS

While there is a lack of parity in the number of Chicana (female) and Chicano (male) undergraduates at UC Berkeley, the enrollment gap between the two is less severe than the gender gap present in the African American undergraduate enrollment. As illustrated in Figure 4, over the past 10 years the gender gap between Chicanas and Chicanos at UC Berkeley was at its most narrow in 1995, with Chicanas representing 53% of Chicana/o undergraduates and Chicanos representing 47%. In the years leading up to the implementation of Proposition 209, there is quick fluctuation in the gender gap between Chicanas and Chicanos, with the gap widening from 6% in 1995 to 14% in 1997, again with Chicanas continued to represent the majority group within the Chicana/o undergraduate population, and while the gap widens somewhat as compared to pre-209 numbers, the trend is not nearly as severe as the trend observed in the African American undergraduate population.

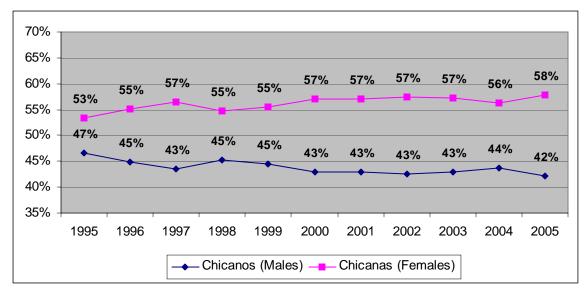


FIGURE 4:UC Berkeley Chicana/o Undergraduate Enrollment by Gender, 1995-2005 (expressed as a percentage of the total Chicana/o undergraduate enrollment)

Over the course of the 10 year period spanning 1995-2005, Chicanas represent anywhere from 53%-58% of the Chicana/o undergraduates at UC Berkeley, while Chicanos represent 42%-47% percent. Since the implementation of Proposition 209 in 1998, the number of Chicanos has declined from 45% to a low of 42% in 2005. The 3percentage point drop in Chicanos from 1998-2005 is largely reflected in the drop that took place between 1999 and 2000. From the time spanning 2000-2003, the gender gap was steady, with Chicanos at 43% and Chicanas at 57%. 2005 represents the largest gap between Chicanas (58%) and Chicanos (42%), but if recent trends hold, the gender gap – albeit a greater gap than existed pre-Proposition 209 – will likely remain steady.

Placing these data within the entire undergraduate context, the Chicana/o undergraduate population has experienced a decline since the implementation of Proposition 209, and while the numbers have rebounded in more recent years, the overall representation of Chicanas/os in the undergraduate population remains lower than their

pre-209 representation, both as a percentage of the total undergraduate enrollment (Figure 3) and in real numbers (Figure 5).

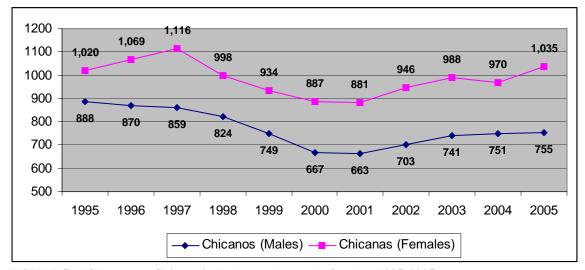


FIGURE 5: UC Berkeley Chicana/o Undergraduates by Gender, 1995-2005 (expressed in real numbers)

In 1995, Chicanas/os represented 9% of the total undergraduate enrollment and reached a pre-209 high of 9.1% in 1997. Beginning in 1998, the Chicana/o undergraduate population began to drop, reaching a low of 6.6% in 2001. Since then, their numbers have climbed into the 7% range, with Chicanas/os representing 7.6% of the undergraduate enrollment in 2005, the highest representation that the group has experienced since the implementation of Proposition 209. As Chicanas/os are the underrepresented minority group with the largest critical mass at UC Berkeley (totaling 1,790 undergraduates in 2005), the fluctuations in the gender gap between Chicanas and Chicanos as well as fluctuations in the overall Chicana/o enrollment have likely had less of an impact on the Chicana/o student experience as compared to the drops experienced in the African American undergraduate population and in the American Indian undergraduate population, the topic of the next section.

AMERICAN INDIAN STUDENTS

In the words of one UC Berkeley American Indian undergraduate, "we're only walking shadows among the student population" (Bautista, 2005). Indeed, the extremely small number of American Indian undergraduates at UC Berkeley has undoubtedly contributed to the marked vacillation in the gender gap within the American Indian undergraduate population.

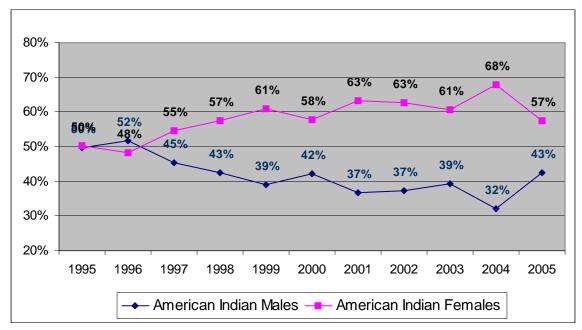


FIGURE 6: UC Berkeley American Indian Undergraduate Enrollment by Gender, 1995-2005 (expressed as a percentage of the total American Indian undergraduate enrollment)

As shown in Figure 6, in 1995, males and female American Indian students were equally represented in the undergraduate population, but the groups diverged the following year, with males jumping up to 52% of the population. In 1997, however, the American Indian male undergraduate population experienced a sharp 7% drop, to 45%, and their representation in the UC Berkeley American Indian population has continued to decline since. From 1998 on, American Indian males have not represented more than 43% of the undergraduate American Indian population.

Despite the fact that the gender gap in the American Indian undergraduate enrollment in 2005 is the same as it was in 1998 – 43% male and 57% female – there has been a great deal of fluctuation in the time spanning those years. The biggest gender gap between American Indian females and males was observed in 2004, when the American Indian undergraduate population was over two-thirds female, at 68% female and 32% male. It should be noted that the small number of American Indian students naturally precipitates a more dramatic fluctuation in the gender gap percentages. Accordingly, given the small population, it is difficult to predict the manner in which the gender gap will change in the coming years.

The shifts in UC Berkeley's American Indian undergraduate population to date have no doubt been felt more acutely given the fact that the campus' American Indian community is quite small to begin with. Figure 7 illustrates the manner in which the American Indian population at UC Berkeley has changed in composition since 1995.

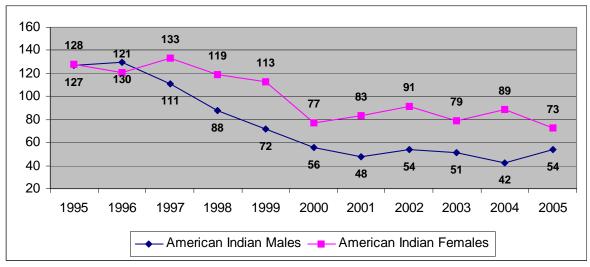


FIGURE 7: UC Berkeley American Indian Undergraduates by Gender, 1995-2005 (expressed in real numbers)

The already-undersized population of American Indian undergraduates at UC Berkeley has been cut in over half in the past 10 years, both in terms of its percentage representation in the undergraduate population (Figure 3) as well as in real numbers (Figure 7). In 1995, American Indians represented 1.2% of the undergraduate population, and by 2005, that number dropped to 0.5%. In real numbers, this precipitous drop translates to a population of 255 students declining to a population of 127 students. To highlight the effect that this drop has had by gender, the number of American Indian males went from a high of 130 in 1996 to a low of 42 in 2004. The number of American Indian males in the entire undergraduate population has not surpassed 60 since 1999.

UNDERGRADUATE APPLICANT, ADMIT and REGISTRANT TRENDS

In assessing whether there is a causal link between the retrenchment of affirmative action in admissions per Proposition 209 and the declining number of minority male undergraduates at UC Berkeley, it is imperative to examine the pipeline of minority students that feed into UC Berkeley, as any changes in the racial and gender composition of this pipeline could contribute to the growth in the gender gap at UC Berkeley. This section examines UC Berkeley applicant, admit and registrant data by race by gender to gain a greater understanding of what may factor into the extant gender gaps among African American, Chicana/o and American Indian undergraduates.

Figure 8 illustrates the percentage of males within the African American applicant, admit, and registrant pools from 1995-2005. During this time period, the percentage of males in the African American applicant pool fluctuated minimally between 39% and 42% and held steady at 39% from 2001-2005. Yet, the percentage of males among admitted African American students dropped considerably in recent years;

males comprised 39% to 41% of admitted African American students between 1995-1999, whereas in the year 2000 the percentage of males dropped to 34%. After a twoyear upward trend, reaching 38% in 2002, in 2003 the percentage of males within the pool of admitted African American students dropped once again to 34%. The most recent figures reflect another upward trend, with the percentage of males within the admitted African American pool reaching 37% in 2005. The percentage of males among African American registrants has ranged from a high of 45% in 1996 to a low of 35% in 2003, contributing to the decline previously observed of males within UC Berkeley's entire African American undergraduate population.

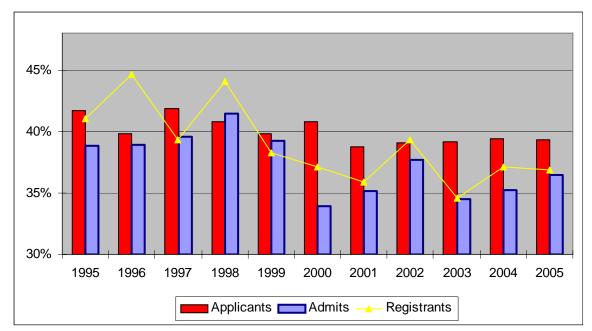


FIGURE 8: UC Berkeley African American Male Applicants, Admits and Registrants, 1995-2005 (expressed as a percentage of the total African American applicant, admit and registrant pools, respectively)

The changing gap between the percentage of males in the applicant pool and the admitted pool of African American students is of note. While the percentage of males among African American applicants has held fairly steady, the number of males

represented among African American admits dropped in the year 2000 and has not recovered since. While in 2002, the gap between applicants and admits narrowed to one percent, the post-209-implementation gap between applicants and admits among African American students ranges from one to seven percent, whereas the pre-209 gap only ranges from one to three percent. This is one possible indicator of admissions officers exercising less control over the gender composition among African Americans in the admissions process post-Proposition 209 due to the retrenchment of affirmative action, contributing to greater variability in the ratio of males to females among admitted African American students.

Among Chicana/o students, the gap between the percentage of male applicants and male admits at UC Berkeley shows similar variability both pre- and post-209 implementation (Figure 9). During eight of the eleven admissions cycles examined between 1995-2005, the gap between applicants and admits ranges from two to three percent, with the percentage of male applicants exceeding the percentage of male admits. The year 2000 illustrated the largest gap between the percentages of males in the applicant and admit pools, with male applicants outpacing male admits by four percent. There are two years in which the percentage of males within the Chicana/o admit pool exceeds the percentage of males within the applicant pool: 1998 (48% of admits versus 46% of applicants) and 2005 (45.9% of admits versus 45.7% of applicants).

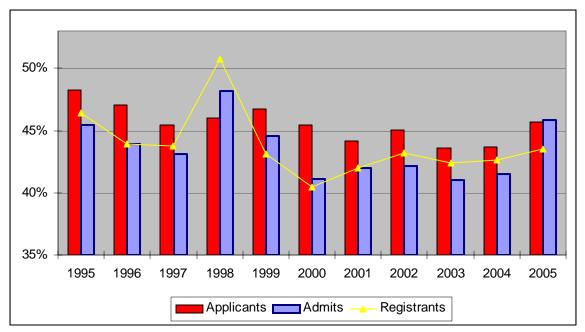


FIGURE 9: UC Berkeley Chicano Male Applicants, Admits and Registrants, 1995-2005 (expressed as a percentage of the total Chicana/o applicant, admit and registrant pools, respectively)

The percentage of males among Chicana/o registrants reflects trends similar to admissions patterns, with a notable spike in 1998, the only year during the examined time period in which Chicano registrants, at 51%, outnumbered Chicana registrants. Overall the figures representing UC Berkeley's Chicano applicants, admits and registrants reflect greater stability than parallel data representing UC Berkeley's African American undergraduate pipeline.

Figure 10 illustrates the percentage of males within the American Indian applicant, admit and registrant pools. While the data are noteworthy for their lack of discernable patterns, the most consistent trend, relatively speaking, is found in the percentage of males within the American Indian applicant pool, which has ranged from 42% to 51% during the examined time period.

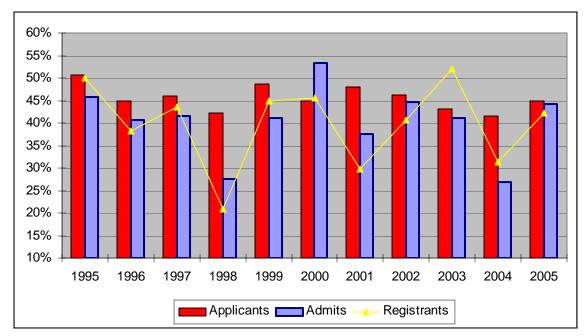


FIGURE 10: UC Berkeley American Indian Male Applicants, Admits and Registrants, 1995-2005 (expressed as a percentage of the total American Indian applicant, admit and registrant pools, respectively)

The percentage of males within the admitted pool of American Indian students has fluctuated dramatically, reaching a high of 53% in 2000 and lows of 28% and 27% in 1998 and 2004, respectively. Registrant data also reflect several peaks and valleys, with the highest percentage of males among American Indian registrants, 52%, found in 2003, and the lowest percentage, 21%, in 1998. The small number of students within each of the American Indian pools likely contributes to the demonstrated variability.

DISCUSSION

The UC Berkeley undergraduate enrollment data spanning 1995-2005 reflect a gender gap placing females in the majority and males in the minority in each of the examined student populations, a gap that has become more severe for African Americans and Chicanos in the years following the implementation of Proposition 209 in 1998. In particular, the dwindling number of African American male undergraduates at UC

Berkeley raises great concern, as the gender gap in the African American undergraduate enrollment has widened in a very consistent manner since 1998 and shows no sign of slowing. For American Indian undergraduates, their enrollment numbers at UC Berkeley are so small that the statistics representing their gender distribution are quite unstable and reflect a great deal of movement. As such, it is difficult to clearly discern whether any changes in the gender gap within UC Berkeley's American Indian population bear any relationship to the implementation of Proposition 209.

UC Berkeley undergraduate applicant data from 1995-2005 illustrate relative stability in the percentage of males in the African American, Chicana/o and American Indian applicant pools, which suggests that there are factors other than the percentage of males in the minority applicant pools contributing to the decline in minority male enrollment at UC Berkeley. The greatest variability between the percentage of male applicants and male admits are reflected in the African American group post-Proposition 209 as well as among American Indians both pre- and post-Proposition 209. The declined percentage of males among African American admits, despite a fairly consistent percentage of males in the African American applicant pool, suggests a possible, negative effect of Proposition 209 on the admission of African American males and merits further exploration.

Where are the college bound males from these minority communities enrolling in college if they are no longer enrolling at UC Berkeley? Research illustrates that there has been a redistribution of underrepresented minority students in the UC system since the implementation of Proposition 209; while UC Berkeley and UCLA have experienced losses in their minority student enrollment in the wake of Proposition 209, other less selective UC campuses such as UC Riverside and UC Santa Cruz have experienced

surges in their minority student population (Geiser et al, 2000; Trow, 1999; Whitaker, 2000). Other media reports suggest that minority students are being courted away from the UC system entirely and are choosing instead to enroll at private universities, either because such schools offer more competitive financial aid offers or because of UC Berkeley's well publicized scarcity of minority students, particularly African American and American Indian students (Schevitz, 2005; Bautista, 2005). These reports, however, have not addressed any possible disparities in minority enrollment by gender.

This paper represents an initial exploration of the gender distribution of underrepresented minority groups at UC Berkeley, with particular attention to the changes in the enrollment distribution after the implementation of Proposition 209. As this represents a preliminary analysis, there are several additional avenues of inquiry that will enhance this ongoing research. Further analysis of UC Berkeley's entire undergraduate population by race by gender will provide additional context to situate the changes that have taken place within the minority student populations examined in this paper. Are any trends evident in the white and Asian populations with regard to gender? Do they mirror any of what is happening within the underrepresented minority populations? Furthermore, an assessment of undergraduate attrition by race by gender is integral to a complete understanding of extant gender disparities.

As mentioned earlier, a close examination of the entire California college-bound student pipeline will also inform our understanding of the factors contributing to the growing gender gap within UC Berkeley's minority undergraduate enrollment. While data suggest that minority underrepresentation at the UC level has worsened since the passage of Proposition 209 despite the increasing number of minority high school graduates in California (Atkinson, 2003; Geiser et al 2000), the analyses featured in these

reports have not traditionally included analyses by race by gender. Recent reports have begun to address the gender gap in California higher education, calling attention to the declining number of males eligible for, pursuing and completing postsecondary education within both the University of California and the California State University systems (CPEC, 2006; 2004). Such reports encourage additional analyses by race by gender and would contribute to a greater understanding of undergraduate enrollment trends at each of the UC campuses by race by gender.

The patterns that emerge in these additional lines of inquiry will inform the continued development of a theoretical framework explaining the relationship between the establishment of Proposition 209 and the growing gender gap within the minority student population at UC Berkeley. Since the mechanisms that affect the gender gap in each of the minority undergraduate populations may differ, it may be most appropriate to isolate each minority group as its own case and theorize accordingly. As the underrepresentation of African American males in higher education is an area of wide interest, and since the gender gap in the African American undergraduate population at UC Berkeley has widened considerably in recent years, one possibility would be to focus on the African American population at UC Berkeley as a prime case of interest. It is clear that multiple investigative approaches are required to gain further insight into the myriad factors contributing to the gender gap, which in turn will stimulate discussion among educational leaders on how to address these growing racial and gender disparities within the present legal context.

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