

# Gender Bias in the Classroom

Taunya Lovell Banks

There is no subjection so perfect as that which keeps the appearance of freedom.

—Rousseau, Émile

A small but growing body of literature about legal education suggests that while the overt sexism that existed in American law schools prior to the 1970s has subsided, the more subtle and—arguably—more damaging vestiges of sexism are alive and well.<sup>1</sup> Women students in law school may have nominal equality in that most sex-based barriers have been eliminated, but some covert barriers remain.<sup>2</sup> The continuing sexism in legal education

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1. James R. Elkins, ed., *Worlds of Silence: Women in Law School*, 8 *ALSA F.* 1 (1984); Nancy S. Erickson, *Legal Education: The Last Academic Bastion of Sex Bias?* 10 *Nova L.J.* 457 (1986), Faith Seidenberg, *A Neglected Minority—Women in Law School*, 10 *Nova L.J.* 843 (1986); K. C. Worden, *Overshooting The Target: A Feminist Deconstruction of Legal Education*, 34 *Am. U.L. Rev.* 1141 (1985). A body of social-science literature also asserts that gender bias is common in American educational institutions. See generally Phyllis Franklin, Helene Moglen, Phyllis Zatin-Boring & Ruth Angress, *Sexual and Gender Harassment in the Academy: A Guide for Faculty, Students, and Administrators* (New York, 1981); Roberta M. Hall & Bernice R. Sandler, *The Classroom Climate: A Chilly One For Women? Project on the Status and Education of Women* (Washington, D.C., 1982); ; Beverly I. Fagot, *Male and Female Teachers: Do They Treat Boys and Girls Differently?* 7 *Sex Roles* 263 (1981); Richard S. Prawat & Robert Jarvis, *Gender Difference as a Factor in Teachers' Perceptions of Students*, 72 *J. Educ. Psychology* 743 (1980); David M. Sadker & Myra P. Sadker, *Sexism in the Classroom: From Grade School to Graduate School*, 67 *Phi Delta Kappan* 512 (1986) Myra P. Sadker & David M. Sadker, *Sexism in the Schoolroom of the '80's*, *Psychology Today*, March 1985, at 54; Kathryn P. Scott & Candace Garrett Schau, *Sex Equity and Sex Bias in Instructional Materials*, in *Handbook for Achieving Sex Equity Through Education*, ed. Susan S. Klein (Baltimore, 1985); David G. Wagner, Rebecca S. Ford & Thomas W. Ford, *Can Gender Inequalities Be Reduced?* 51 *Am. Soc. Rev.* 47 (1986). This footnote would not be complete without the obligatory reference to Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, Mass., 1982).
2. See, e.g., Mary Joe Frug, *Rereading Contracts: A Feminist Analysis of a Contracts Casebook*, 34 *Am. U.L. Rev.* 1065 (1985) (gender bias in law school casebooks impedes learning and distorts legal analysis because the casebooks are insensitive to legal issues that are important to women). Nancy Erickson, reviewing *Lawyering* by Helene E. Schwartz, notes:

Some of the sex discrimination problems [Schwartz] encountered will probably never be faced by present and future women law students and lawyers. 'Ladies Day,' for example, has apparently met its demise as a law school institution, although women students still suffer with individual male chauvinist professors. (Surprising as it may seem, deans and professors who would not hesitate to ask a professor to keep her or his racist views out of the classroom sometimes refuse,

injures not only female law students and sensitive male law students but the legal system as a whole. There is probably a strong correlation between the existence of gender bias in American courts and gender bias in law school classrooms.<sup>3</sup>

Since the 1970s many legal educators have seriously questioned the teaching methods used in American law schools.<sup>4</sup> Although some positive changes have been made, most changes in the teaching of law have been based primarily on what "works" for male law students. Women, if they benefit at all, are secondary beneficiaries. Their concerns go largely unaddressed. Despite the increasing number of women entering law school, men still view women, consciously or unconsciously, as abnormal, as strangers or outsiders. Women, because of gender, are not naturally members of the "club." Thus the club members expect women to change and adapt—to become more like men—in order to join the club. Few question the extent to which becoming more like men accomplishes the stated goal of the club—the training of people who will see to the fair and impartial development, interpretation, and administration of the law.

Anecdotal evidence suggests that many women students still perceive the law school environment as hostile to women.<sup>5</sup> Because the agenda is set by

ostensibly on "academic freedom" grounds, to do the same when students complain about sexist comments.) However, most of the sexism she encountered is still alive and kicking.

- Nancy S. Erickson, Book Review, 22 N.Y.L. Sch. L. Rev. 391, 392–93 (1976) (footnotes omitted). But cf., Ruth Bader Ginsburg, *Women's Work: The Place of Women in Law Schools*, 32 J. Legal Educ. 272 (1982) (sexism in law school has been minimized).
3. See Report of the New York Task Force on Women in the Courts, 15 Fordham Urb. L.J. 11 (1986–87) (the Report makes specific recommendations to law schools); Cathy E. Bennett, *Encouraging Fairness from the Bench*, 4 Law & Inequality 109 (1986); Lynn Hecht Schafran, *Educating the Judiciary About Gender Bias: The National Judicial Education Program to Promote Equality for Women and Men in the Courts and the New Jersey Supreme Court Task Force on Women in the Courts*, 9 Women's Rts. L. Rep. 109 (1986); E. R. Shipp, *In Court a Woman's Character Can Dictate Her Legal Fortune*, N.Y. Times, June 10, 1987, at C1, col. 1; Martha Copleman, *Sexism in the Courtroom: Report from a "Little Girl Lawyer"*, 9 Women's Rts. L. Rep. 107 (1986). Gender bias harms men as well, as evidenced by a recent decision of the Iowa Court of Appeals upholding a trial-court decision reducing an Iowa man's visitation rights because he was an unemployed househusband. The lower court justified the action by saying that the man would not be a good role model for his son because "it is still accepted that the husband and father is the breadwinner. . . ." The court feared that the son might be "socially crippled" as an adult if allowed to see his father more often. The only woman judge participating dissented. Debra Moss, *Gender Bias? Sharp Dissent in Visitation Decision*, 73 A.B.A. J., Sept. 1, 1987, at 21.
  4. The articles criticizing legal education and proposing specific changes are too numerous to list here. Proposals range from traditional to truly nontraditional approaches. See, e.g., Jennifer Jaff, *Frame-Shifting: An Empowering Methodology for Teaching and Learning Legal Reasoning*, 36 J. Legal Educ. 249 (1986); Darrell B. Johnson, *SCALE—A Conceptual and Transactional Method of Legal Study*, 35 J. Legal Educ. 97 (1985); Gene R. Shreve, *Bringing the Educational Reforms of the Cramton Report into the Case Method Classroom—Two Models*, 59 Wash. U.L.Q. 793 (1981).
  5. "It is easy to see why many women describe law school as a 'living nightmare.' Our needs are ignored." Elkins, *supra* note 1, at 35. "Sexism entered my life when I entered law school. I was aware of sexism, . . . but never to the degree that it is present in law school!" (quoting Denise Chamberlain). *Id.* "I hate having the male power-trip forced down my throat . . . Men [are] in power, women [are] made to feel inferior, impotent, servile. It gives the male students an edge on self-esteem" (quoting Susan Dalporto). *Id.*

and run by white middle-class males, women, like racial minorities, often feel alienated in the classroom. As a result, they become silent in class.<sup>6</sup> They remain silent because they believe that their views carry no weight. They are silent because they believe that women are largely ignored or invisible in law school classrooms. The feeling of alienation is reinforced by the use of sexist textbooks<sup>7</sup> and sexist language.<sup>8</sup> Because no serious attempt has been made to examine the silence of women in law school classrooms, a study was undertaken to determine if the classroom climate is a cause of women's silence in law school.<sup>9</sup>

### Pilot Study

In the fall of 1986 a pilot study of students' perceptions of gender bias in law school classrooms generated 155 responses from one school.<sup>10</sup> Although tests of statistical significance were not computed for the pilot study, several patterns emerged. More female respondents (60%) than male respondents (43%) said they seldom or never voluntarily participated in class. If one looks only at the responses for the second- and third-year

insignificance that makes one feel powerless" (quoting Kristi Treadway). *Id.* at 53.

6. See Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy: A Polemic Against the System* 3, 63 (Cambridge, Mass., 1983). See also James R. Elkins, *On the Significance of Women in Legal Education*, 7 *ALSA F.* 290, 306 (1983):

Woman's silence in legal education is rooted in the 'strangeness' of legal language which divorces the language of the law from the 'human sensitivity' associated with women's experience of and in the world. Law school fails women because it ignores women's experience, embodies a single mode of thought presenting an unidimensional view of the world rooted in masculine thought.

Some writers suggest that many women, especially in the first year, tend to rely more on personal experiences to make and reinforce points, whereas men tend to talk in more abstract terms, a form of expression highly valued by many professors in law school. K. C. Worden describes a common classroom practice she characterizes as "paraphrasing with prejudice," in which "[p]ersonalized commentary is constantly rephrased, paraphrased, and re-presented in terms of decontextualized abstraction." Worden, *supra* note 1, at 1146; Worden notes that "[l]aw is supposed to be rational, objective, abstract, and principled, like men; it is not supposed to be irrational, subjective, contextualized, or personalized, like women" (quoting Fran Olsen, footnotes omitted). Worden, *supra* note 1, at 1147. See also Barrie Thorne, *Claiming Verbal Space: Women Speech and Language in College Classrooms* (paper presented at the Research Conference on Educational Environments and the Undergraduate Woman, Wellesley College, September, 1979), *cited in* *The Classroom Climate*, *supra* note 1, at 9: "[T]he valued patterns of speech in college and university settings are more often found among men than among women speakers." Thorne cites impersonal and abstract styles of speech and competitive, "devil's advocate" interchanges as two examples of such patterns. See, e.g., Gilligan, *supra* note 1.

7. See Frug, *supra* note 2; Study Says Casebooks' Gender Bias Impedes Learning, Distorts Analysis, *Nat. L.J.*, Nov. 24, 1986, at 4; Erickson, *supra* note 1. See also Nancy S. Erickson, *Sex Bias in Law School Courses: Some Common Issues*, 38 *J. Legal Educ.* 101 (1988).
8. See Erickson, *supra* note 2.
9. Roberta Hall and Bernice Sandler suggest that faculty may overtly or inadvertently treat men and women students differently in the classroom, and that such behavior creates a hostile learning environment that often causes women to remain silent in class. Hall & Sandler, *supra* note 1, at 2-3.
10. The questionnaire used was modeled on the questionnaire in Hall & Sandler, *supra* note 1, at 21-22. 56.4% of the 155 respondents were male and 43.4% were female. The sample represented approximately one third of the total student body.

respondents (43%) said they seldom or never voluntarily participated in class. If one looks only at the responses for the second- and third-year students, the finding is even stronger: 75% of the women compared to 40% of the men said they seldom or never volunteered in class; 17% of all women compared to 9% of all men said they were not called on three or more times when they volunteered in class.<sup>11</sup> When asked why they thought their professors did not call on them when they raised their hand, more women (31.8%) than men (12.8%) said it was because the professors do not see them or ignore them. Fifty-five percent of the students said their professors use offensive comments or humor in the classroom.

The results of the study were presented at the 1987 annual meeting of the American Association of Law Schools<sup>12</sup> and were confirmed by many in the audience. Because of the audience's interest at the AALS meeting and the questions raised by the pilot study, the questionnaire was revised and the study expanded.

### Expanded Study

The revised questionnaire included questions designed to: (1) test the basic findings of the pilot study; (2) explore the reasons for women's silence in the classroom; and (3) determine whether students think the sex of the professor has any effect on class participation and on the use of offensive comments. Five schools participated in the survey: (1) a western school, (2) a southwestern school, (3) a midwestern school, (4) and (5) two northeastern schools. The schools included two public institutions, one quasi-public, one private sectarian, and one private nonsectarian. Three schools have evening or part-time divisions. Two have small enrollments, one is average in size, and two are large.<sup>13</sup>

A total of 765 students responded.<sup>14</sup> Forty-one percent were women and fifty-nine percent were men, which corresponds roughly to the enrollment percentages by sex in law schools today.<sup>15</sup> Seventy-one percent of the respondents were between the ages of twenty-one and thirty. Ninety-four percent of the respondents were white, three percent were black, one percent native American, Asian, and Hispanic, respectively.<sup>16</sup> Eighty-four

11. Forty-one percent of men compared to twenty-nine percent of women said that they were not called on once or twice when they volunteered. Forty-two percent of women compared to forty percent of men, however, reported being called on whenever they volunteered.
12. Taunya Banks, *Gender Bias in the Classroom*, panel on Sexual Harassment in Academe, sponsored by the AALS Section on Women Women in Legal Education, AALS Annual Meeting, Los Angeles, Jan. 4, 1987.
13. A school with a total enrollment of less than 350 is considered small, between 350 and 800 average, and in excess of 800 large.
14. The number of respondents for each school were, respectively: (1) 46%, (2) 55%, (3) 4%, (4) 18%, and (5) 45%.
15. In the 1986-87 academic year women comprised 40% (49,522) of all law students enrolled in ABA-approved schools. *A Review of Legal Education in the United States, 1986 A.B.A. Sec. Educ. & Admissions to the Bar 65* [hereinafter *Review of Legal Education*].
16. In the 1986-87 academic year black Americans comprised approximately 5% of all law students enrolled in ABA-approved law schools, American Indians 0.4%, Asians 2%,

were enrolled part time.<sup>17</sup> The survey results confirm the initial thesis that men tend to volunteer in class more often than women.

The survey results also comment on the law school atmosphere and teaching methods in general. For example, 76% of all respondents believe that one or more of their law school professors "puts down" or belittles students. This statistic alone suggests that students of both sexes continue to be bullied and belittled in law school classrooms. Thus, the classroom environment may be hostile to most law students, although more so for women than men.

### Class Participation

#### *Voluntary Participation*

The survey revealed that women and men differ significantly in the frequency of voluntary participation in the classroom: 17.6% of the women and only 9.6% of the men report never volunteering in class; however, 44.3% of the men and only 32.1% of the women report voluntary participation on a weekly basis. Infrequent participation was reported by 50.3% of female and 46.1% of male respondents ( $\chi^2 = 9.48$ ,  $df = 2$ ,  $p > .01$ ).<sup>18</sup>

Women of different ages differ significantly in the frequency of their voluntary participation. Female students thirty years old and over are much more likely than younger female students to report volunteering weekly and are less likely to say they never or infrequently volunteer.<sup>19</sup>

When class year rather than age is examined, significant differences between female and male students in voluntary participation appear in the first year, disappear in the second year, and reappear in the third year. In both the first and third years, female students are less likely than male students to say they volunteer weekly and are more likely to say they never

17. In the 1986-87 academic year 81% of the students in ABA-approved law schools were enrolled full time, 19% part time. *Id.* at 65.
18. Weekly participation meant that the respondents reported participating between one and three times per week. Infrequent participation meant that the respondents reported participating at least once per course but not more than seven times per course.
19. "How often do you voluntarily answer questions or contribute to class discussions?"

#### Age (Female students only)

	21-24	25-30	30+
<b>Volunteer</b>			
Never	18.4	18.8	12.9
Infrequent	55.1	53.6	42.6
Weekly	26.5	27.7	44.6

$$\chi^2 = 9.53, df = 4, p < .05$$

volunteer.<sup>20</sup> Interesting differences between female and male students appear in the pattern of volunteering across the three classes. Male reports of never volunteering in class increase with each year in law school, while never volunteering increases substantially in the third year for women. Although there are no significant differences in voluntary participation across the three classes for either men ( $x^2 = 6.75$ ) or women ( $x^2 = 6.84$ ), the data suggests some trends. For both men and women, reports of never volunteering tend to increase over time. Weekly voluntary class participation drops over time for women but remains fairly constant for men. Thus the survey confirms the pilot study's finding that women's silence increases rather than decreases in law school.

When asked, "If you wanted to participate in class by asking a question or making a comment but did not do so, what was your reason for not doing so?" women and men responded in significantly different ways ( $x^2 = 11.10$ ,  $df = 5$ ,  $p < .05$ ). Although most students of both sexes (45.6% of sample) admitted that they do not volunteer when they are uncertain about the merits of the questions or comments, more women (46.9%) than men (44.6%) felt this way. More women (21.3%) than men (15.6%) do not volunteer in class because they feel insecure. The study failed to disclose whether women felt intellectually insecure or insecure because of gender. Their relative lack of participation does not appear to be based on feeling unprepared—fewer women (6.6%) than men (11%) reported this as a reason for nonparticipation. Fewer women (4.9%) than men (9.0%) cited disagreement with the professor as a reason for silence. There is little difference between the percentage of men and women who do not participate because their question has already been asked (13.3% and 15.0%, respectively) or because there are too many students in the class (6.4% and 5.2%, respectively).

#### *Attitude of Professor and Class Participation*

The attitude of the professor toward students can influence the extent of class participation. The survey asked, "How do the professors react to your questions or comments?" A high percentage of both sexes believed that professors neither encourage nor discourage questions or comments

20.

#### **Voluntary class participation by gender by year:**

	First Year		Third Year	
	Male	Female	Male	Female
<b>Volunteer</b>				
Never	6.7	15.9	16.9	25.0
Infrequent	48.7	45.5	38.5	51.7
Weekly	44.6	38.6	44.6	23.3
	$x^2 = 6.30$ , $df = 2$ , $p < .05$		$x^2 = 7.13$ , $df = 2$ , $p < .05$	

(50.4% of females and 49.8% of males<sup>21</sup>). Significantly more men than women believed that professors respect other students' opinions and comments.<sup>22</sup>

Slightly over half of both women (62%) and men (57.1%) believed that professors belittle or embarrass students.<sup>23</sup> More women (25.3%) than men (16.1%) said that the sex of the professor makes a difference in the belittlement of students ( $x^2 = 7.95$ ,  $df = 1$ ,  $p < .01$ ).<sup>24</sup> A majority of both sexes (67.8%), however, believe that the sex of the professor makes no difference in this area. The perceived negative or neutral attitude of the professor in the classroom might also explain the lower rate of class participation by women.

#### *Sex of Professor and Class Participation*

Almost twice as many women (12.9%) as men (7.2%) believed that the sex of the professor makes a difference in the frequency with which they are called on in class ( $x^2 = 5.89$ ,  $df = 1$ ,  $p < .05$ ).<sup>25</sup> When asked which professors usually encourage student participation in class the most, 57.4% of the sample indicated that male and female professors equally encourage students. Of those specifying gender of professor, 70.8% of female students and 55.4% of male students believed that women professors are more encouraging ( $x^2 = 3.91$ ,  $df = 1$ ,  $p < .05$ ).<sup>26</sup> Finally, significantly more women (11.0%) than men (5.8%) believed the sex of the professor affects their voluntary class participation ( $x^2 = 5.88$ ,  $df = 1$ ,  $p < .05$ ).

While the number of women students is approaching fifty percent in some law schools, the number of women law professors, especially those

21. Overall 45.8% of the students felt professors encouraged participation, 4.2% felt they discouraged participation, and 50.0% felt they neither encouraged nor discouraged participation.
22. "In your opinion, do your professors respect the opinions and comments given by other students in your classes?"

	Male	Female
<b>Professors respect</b>		
All	16.7	12.1
Most	49.7	45.2
Some	14.7	21.7
Very few	19.0	21.0

$$x^2 = 8.88, df = 3, p < .05$$

23. Overall 73.9% of the students felt that few to no professors belittled or embarrassed students, 22.8% felt that some did, and 3.3% felt that many or all did.
24. Individual comments suggest that some women and, to a lesser degree, men students believe that male professors are more likely than women professors to engage in this type of conduct in the classroom.
25. Individual comments in response to the question indicated that a few respondents believe that a few male professors call on women more frequently than women professors, but often for punitive purposes. For example, one student responded that one professor deliberately calls on women only if no one volunteers.
26. Many women indicated that they feel more comfortable with women professors. A few male respondents indicated the same feeling.

that women professors encourage class participation more than men and view class participation as a valuable component of legal education, then law schools need to hire and tenure more women professors.

### Offensive Humor and Comments

Although humor can help lighten a subject or relax students, it also can demean women and reinforce sexual stereotypes. Forty-seven percent of those surveyed reported that one or more of their professors used offensive humor. Of those students, forty-four percent stated that offensive humor was used occasionally or even frequently. Perceptions of professor's use of offensive humor differed significantly by gender ( $\chi^2 = 15.89$ ,  $df = 2$ ,  $p < .001$ ). Although males (3.9%) were more likely than females (2.2%) to report that *most* professors use offensive humor, they were also more likely to believe that *none* of their professors do so (58.0% males and 45.2% females). Substantially more women (52.6%) than men (38.1%) reported the use of offensive humor by *some* professors.<sup>28</sup>

Respondents were asked to give examples of offensive humor. Most of the examples represent sexist humor or comments, some of which are chilling. One student reported that "the professor drew a large circle around the title of the subject matter for the day's lesson that he had written on the board. When class began, he said, 'Pretend this is a large breast.'" A male student commented that a professor put him down by saying, "Your ideas are garbage because they are women's stuff." Several students at one school wrote that one or more professors indicated that one cannot get a good maid or secretary any more because all the women are in law school. Still another professor allegedly commented in class, "It used to be better when law school was made up of all men." Several students commented that professors referred to women as "bitches," and one professor was reported to have said in class, "When you sleep with a bitch, you get fleas." Another professor told his class that "women make love to get advanced or hurt someone but men make love for love." Such comments poison the classroom environment.

Although it may be easy to dismiss these examples of overt sexist behavior as the acts of a few "crazy" professors, the fact remains that respondents at all five schools reported that one or more professors made such comments. Overt racist comments are no longer tolerated in law school classrooms. Sexist comments should be treated similarly. If overt sexist comments are tolerated or dismissed, it will be more difficult to combat less overt but perhaps more damaging examples of sexist behavior in the classroom.

Most students (64.4%) reported that the sex of the professor makes no

were women. Review of Legal Education, *supra* note 15, at 66. The gap between the proportion of women students and the proportion of women law professors has increased since the late 1970s. David Lauter, Gender Gap Gets Wider on Law Faculties, Nat. L.J., Jan. 9, 1984, at 1, col. 4.

28. Individual comments suggest that some women and, to a lesser degree, men students believe that male professors are more likely than women professors to engage in this type of conduct in the classroom.



Most students (64.4%) reported that the sex of the professor makes no difference in the frequency of use of offensive humor. Significantly more women (31.5%) than men (15.1%) said that the sex of the professor does make a difference in the use of offensive humor ( $\chi^2 = 21.79$ ,  $df = 1$ ,  $p < .0001$ ). At least one respondent commented that "[t]here are a few sexist and reverse sexist remarks from older male professors and younger female professors." But the classic comment came from a woman respondent who was aware of "a few sexist comments and a racist comment although I'm sure it wasn't intended as such."

The responses indicate that offensive comments are common in law school classrooms. When authority figures in a classroom setting make offensive comments of a sexist nature, whether intentionally or unintentionally, they reinforce negative stereotypes and further reinforce women's perception of inequality in the classroom. These comments cannot be overlooked or forgiven because they are unintentional, for they arise from and perpetuate deeply ingrained attitudes.

### Miscellaneous Findings

Students at four of the five law schools reported that some professors make racist, homophobic, and antireligious comments in the classroom. These findings indicate that law professors need to be more sensitive to the language used and images transmitted in the classroom. Comments that poison the educational environment defeat the purpose of education.

There was also evidence of hostility toward female professors from several respondents, primarily younger white males, at various schools. One student referred to a female professor as a "liberal bitch." Another felt that "feminist comments" were offensive. Still another commented that "[f]emale professors are very regimented, rarely are humorous in *any* degree." Some of this hostility was redirected to female students in the comments of one male student: "Professors need to tell some people (some small minority of female students between the ages of 30 and 50) to shut the hell up!" The combination of sex and race might explain the following comment: "Another professor is overly conscious of her race and finds 'racist' comments where they were never intended."

The hostility toward female professors reflected in some comments could be a by-product of the underrepresentation of women professors in legal education. Several studies indicate that as a group women in academe receive lower student evaluations than men.<sup>29</sup> Some evidence suggests that this phenomenon also holds for minority professors, another underrepresented group in legal education.<sup>30</sup>

29. See Elyce H. Zenoff & Kathryn V. Lorio, *What We Know, What We Think We Know, and What We Don't Know About Women Law Professors*, 25 *Ariz. L. Rev.* 869, 879 (1983). Zenoff & Lorio cite social-science research indicating that students in large classes prefer male teachers. *Id.* at 879 n.44.

30. See, Portia Y. A. Hamlar, *Minority Tokenism in American Law Schools*, 26 *How. L.J.* 443, 561-63 (1983) (citing negative attitudes toward lone or isolated minority law faculty).

### Conclusions

The data from the survey are still being analyzed. The preliminary findings, however, suggest that women are silent because the law school classroom environment, structure, and language tend to exclude women or make them feel inferior. In a future survey the size of the sample will be increased, and more minority students will be included to determine whether the law school classroom climate alienates minority students—and female minority students in particular—as much as the women surveyed. Nevertheless, the preliminary findings raise some disturbing questions about the extent to which women and men receive truly equal education in American law schools.<sup>31</sup>

31. In April 1988 the faculty at New York University Law School adopted a policy prohibiting sex bias. Under the policy sex bias is defined as “verbal or physical conduct that denegrates [sic] any person or group of persons on the grounds of gender and is likely to interfere with the ability of students to participate equally in the pursuit of an education.” Tom Goldstein, *N.Y.U. Law School Acts to Bar Sex Bias*, *N.Y. Times*, April 22, 1988, at Y23, col. 4.