

A scoping functionalist reflections on the implementation of affirmative action in Higher Education Institutions in South Africa

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Abstract: The scoping review was carried out to investigate the functionalist perspective on affirmative action for women in the workplace in the Eastern Cape Province's selected South African universities. Given that university-specific information is available on affirmative action for women in the workplace, this scoping review employed a systematic review to investigate the implementation of the legislative framework for affirmative action policy in African-selected universities and ways to make improvements. Purposive sampling was used to select four higher education institutions (HEIs), in which there were two historically black and two historically white institutions, for representativeness. Evidently, affirmative action is indeed an existing policy in the selected institutions to redress the exclusion of women in senior positions in the past. While this review revealed the heightened visibility of women in executive positions in the four universities, women tend to be represented more than men in some executive categories. This demonstrates that the implementation of affirmative action for women has largely been successful in the country. Although with some challenges, the inclusion of women, without gender discrimination and biases, is a necessary ingredient for the sustainability of higher education administration in the country from a functionalist perspective.

Keywords: Affirmative action, workplace, higher education, South Africa.

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INTRODUCTION

Affirmative action, as defined by Darity et al. (2011), is a policy that is made up of several anti-discrimination measures with the purpose of providing access to the positions that are preferred in a society for the benefit of historically disadvantaged groups. Thus, according to Darity et al. (2011), the implementation of the policy is implemented to address the historical mishaps in various types, which include but are not limited to gender-based affirmative action, race-based affirmative action, and ethnicity.

Affirmative action, like any other policy, has its achievements and possible failures since its implementation. In South Africa, affirmative action was institutionalised in 1994 and was legislated in 1998 in trying to redress the inequalities which are remnants of apartheid and colonialism. Since then, Geldenhuys (2020) notes that there has been a noticeable increase in women's participation as intended by the affirmative action policy. South Africa implemented affirmative action with more inclination on gender than race to justify and redress the gender-based past imbalances and as a result, there are women who are leading in the Universities as Chancellors, Vice Chancellors, Rectors, etc. which proves that there is transformation (Soudien, 2010).

According to, Women Empowerment and the Gender Equality Act No. 39 of 1996 there must be 50% of women representation in all the decision-making positions, of which, according to Gururaj, et al. (2021), a number IHLs in South Africa have not achieved such. Looking at skilled

positions that are inclusive of management posts for women who are professors in South Africa, Mkhize (2022) notes that there is an increase of 19.9% from 4% in the previous years to 23,9%. Mkhize (2022) further contends that although South African universities have an increased number of women in senior management positions, there is still a larger number of men compared to women in management positions, with 15% of female Vice Chancellors, with 12 female deputy Vice Chancellors out of 30 in 2022 of Deputy Vice Chancellors and 26% of Deans, amongst them only 5% of black females are professors.

Despite the implementation of affirmative action policies in the Eastern Cape Universities, there is evidence of persistent disparities in terms of access, retention, and success rates for historically disadvantaged groups (Smith, 2020; Jones, et al., 2021). These disparities could indicate that the policies in place are not effectively tackling the underlying causes of the inequalities and discrimination. Given the problems of implementation of this policy (Brown, 2018), in this study, therefore, we reviewed the existing affirmative action strategies and the implementation therefrom to understand and improve the effectiveness of these policies in South African Universities.

LITERATURE AND THEORY REVIEW

Definition and History of Affirmative Action in South Africa

According to Mohamed (2015) affirmative action was introduced in South Africa in the 1980s as a way of redressing the historical imbalances and promoting equality. The Employment

Equity Act of 1998, enacted by the Department of Labour, established the legal framework of affirmative action in South Africa (Department of Labour, 1998). Klopper (2002) argues that affirmative action in South Africa focuses on increasing the representation of marginalised groups in the workplace. According to Miller (2016), South Africa's Broad-Based Black Economic Empowerment (B-BBEE) policy was introduced in 2003 to address economic inequality and promote black participation. In addition, Horrel (2019) notes that the policy requires companies to demonstrate their commitment to diversity and inclusion by appointing black people as directors and subcontracting with black-owned businesses. In contrast, Ngqulana (2018) argues that the B-BBEE policy has failed to address poverty and inequality. As a result, there is cronyism and corruption in South Africa.

International Perspective of Affirmative Action

According to Khumalo (2020), international perspectives on affirmative action vary, with some countries embracing race-conscious policies while others focus on colour-blind approaches. In South Africa, affirmative action policies were introduced to redress the historical injustices of the past during the apartheid era (Khumalo, 2020). In Brazil, a racial quota system was implemented in public universities to increase the representation of marginalised groups (Costa, 2021). In contrast, countries like Canada and Australia opted for more colour-blind policies emphasising merit-based admissions and equal opportunities (Iyer, 2022). According to Singh (2020), India's constitution includes several affirmative action policies to promote

social and economic equality and marginalised groups. These policies include reservations in educational institutions, government jobs and political representation (Natarajan & Gupta, 2018).

National Policies and legislation on Affirmative Action in South Africa

The Employment Equity Act (1998) aims to promote equal opportunities and fair treatment in employment by requiring employers to implement affirmative action measures to address past discrimination (Department of Labour South Africa, 2020). It sets out specific targets for employers to achieve in relation to the representation of various demographic groups in the workplace (Commission for Employment Equity, 2021). The B-BBEE Act (2003) aims to promote economic transformation and redress through measures such as ownership, management control, and employment. Both acts are all about promoting diversity and equity in South Africa. The Employment Equity Act is focused more on ensuring that people from marginalised groups are included in the workplace. In contrast, the B-BBEE Act focuses mostly on ensuring that black South Africans are included in the control of businesses and ownership (B-BBEE Commission, 2021). B-BBEE Act requires employers to have annual reports as part of tracking progress in terms of meeting the target of the policy (Muler, 2020). These Acts both have a common goal, which is to create a more inclusive and prosperous South Africa. The study hopes to review the issues that are associated with the implementation strategies of affirmative action.

Challenges and Critiques of Affirmative Action in South Africa

According to Aceujo (2020), affirmative action can reverse discrimination against non-targeted groups. The affirmative action policies may also lead to a brain drain as the talented individuals from targeted groups may be in a position where they may leave the country for better opportunities, and these policies may lower the overall quality of the workforce as they only prioritise gender and race over merit and qualifications (Amoateng, 2021). Affirmative action policy may create a culture of dependency and entitlement among the targeted group (Gerber, 2016). It is also argued that affirmative action policies perpetuate a victim mentality among the targeted groups rather than empowering them to overcome challenges (Hinda, 2021). These affirmative action policies may also create resentment and animosity among nontargeted groups, leading to a breakdown in social cohesion (Soudien, 2019).

According to Ojong (2017), the implementation of affirmative action in South Africa has been marred by resistance from certain sectors of society that perceived it as a form of reverse discrimination rather than a necessary mechanism to address historical injustices. African Progress Panel (2014) argues that a lack of coordination between institutions has led to a fragmented approach to affirmative action, undermining its effectiveness. Zimba & Mkhwanazi (2020) note that the absence of reliable data and evidence to measure the impact of affirmative action policies makes it difficult to evaluate their efficacy, hindering the ability to make data-driven policy decisions. Du Toit (2017) also argues that affirmative action policies in South Africa have faced

criticism for their perceived impact on meritocracy and that there are limited opportunities for advancement and promotion available to individuals in historically disadvantaged groups as those in privileged backgrounds already occupy many leadership positions.

Recent Developments and Future Directions on Affirmative Action in South Africa

There is a growing recognition of the need for a more holistic and intersectional approach to affirmative action, which considers the multiple forms of discrimination and exclusion that are experienced by marginalised groups, such as those that are based on gender, race and sexual orientation (Gqola, 2019 & Khoza-Shangase, 2020). As such, the South African government is exploring the use of targeted recruitment programs to attract and retain individuals from historically disadvantaged groups in some sectors (Kiggundu, 2020). Kiggundu (2020) further states that the private sector is also increasingly adopting affirmative action policies, with companies establishing diversity and inclusion goals and developing policies to promote fair recruitment and career advancement for marginalised groups.

THEORETICAL FRAMEWORK

According to Talcott Parsons, as influenced by Emile Durkheim, institutions that are within society function like parts of a human body (Ekstrom, 1992). Similarly, different parts of society are interrelated and work together to make a complete social system, such as work organisations, by examining its contribution to maintaining a social system (Haralambos et al., 2013). Universities are social systems of society; each university has members that operate

like parts of a human body to ensure that the university system operates well. This means that independent society institutions have unique functions that work together voluntarily and harmoniously to encourage value consensus (Holmwood, 2005). For instance, for an institution to function well, there have to be different ways of operating that system, such as policies to guide the members of that institution that are involved. Bissel et al. (2002) argue that there are certain prerequisites that society needs for it to be able to manage conflicts.

Talcott Parsons' structural functionalism has its functional prerequisites that have to be met to address a particular functional issue within the society (Holmwood, 2005). Holmwood (2005) further explains that this functional issue of an ordered society determines a combination of imperatives that has to be brought on various social systems if there is less to no stability that has to be fulfilled. Affirmative action policies serve as a way of functioning in an institution by providing different views on how the universities must implement the policies to address the issues of gender equality to fight imbalances or instability within the social systems.

Firstly, according to Talcott Parsons' functionalism, for a social system to be well structured and well ordered, it has to be radically compatible with the relevant functioning of its various individual actors within a social system as biological organisms and different personalities (Ormerod, 2019). Universities, as the structures of the social systems, have to ensure that there is order within the management so that these policies will be implemented properly (Bank et al., 2015). Women, as

individual actors of society, were alienated in the past from participating in economic-based activities due to their biological makeup and their personalities (April & Govender, 2022), as they are said to be sensitive human beings. Men are the most influential group in society as women were expected to conform to the culture/norms of the society, such as childbearing and or domestic work, of which culturally it was a stable integration of a social system according to Talcott's perspective of functionalism (Ormerod, 2019). As such, universities as workplaces had fewer women, most of whom were whites, leading to the underrepresentation of women in management positions (Munanga, 2022).

There has to be enough proportion of well-motivated actors in the social system so that individual actors can be able to meet the requirements of the role of the social system, in this case, women's empowerment and provision of equal opportunities for all as it is required in the affirmative action policy (Ormerod, 2019). Social institutions within a social system, such as marriages, influenced the portrayal of women's personalities as it made it impossible for them to attain their goals due to parenthood and marriages, and low levels of education as only men had enough access to education and levels of decision making (Madsen & Mabokela, 2014). Radical feminists took action as a collective in trying to achieve their goal of equal access to opportunities and the levels of decision-making, resulting in conflicts within cultural patterns (Ormerod, 2019). Such cultural patterns seek to impose irrational demands on individual actors, which hinder equality within a social system and generate conflict.

They should be avoided within the social system to minimise conflicts (Holmwood, 2005).

Robert Merton, in his idea of manifest and latent functions, contends that every function has its intended and unintended consequences (Turner, 2022). Manifest functions are the intended consequences that are expected or known by individuals that form part of an act. In this case, the manifest function of affirmative action is the mainstreaming of women in the senior positions of the university system (Haralambos et al., 2013). It is to ensure that women, as a minority group, are given preferential treatment so that there will be no gender that is seen as underrepresented or discriminated in these universities (Turner, 2022). The latent functions are the unrecognised results of affirmative action that may occur from social activities, in this case, the latent function of the policy might be that of men feeling as if they are being discriminated against as the marginalised group is seen as being given a preferential treatment (Turner, 2022). The unintended consequences of implementing affirmative action policies are the universities may result in men being the minority within the systems. At the same time, women may be the majority, which may cause an assumption that affirmative action policies are implemented to reverse discrimination that women experience as the designated group (Haralambos et al., 2013; Turner, 2022). The theoretical framework used in this study then serves as a way of introducing and connecting the existing knowledge about affirmative action as guided by the functionalist perspective to address the research questions.

METHODS

Study Population and Sample

The study investigated the affirmative action of women in the workplace with a specific focus on the universities that are in the Eastern Cape Province. The study population that was used to conduct this study were the four universities that are in the Eastern Cape, namely, RU, UFH, WSU and NMU and their respective database sources. WSU and UFH are historically disadvantaged institutions of higher learning, while NMU and RU are historically white universities. The sampling materials utilised in this research include the institutional employment documents from RU, NMU, UFH, and WSU and the legal employment framework of South Africa.

Techniques of Data Collection

The selection was done using the databases of two historically disadvantaged universities of the Eastern Cape, namely the University of Fort Hare, which is divided into three campuses, namely, Alice, Bisho and East London and Walter Sisulu University, which is divided into four campuses namely, Mthatha, Buffalo City in East London, Queenstown, and Butterworth, and two historically white universities namely, Rhodes University that is located in Grahamstown, Makhanda, and Nelson Mandela University that is located at Port Elizabeth, Gqeberha and is divided into six campuses, namely, South Campus, North Campus, 2nd Avenue, Missionvale, Ocean Science, Bird Street and George which are located in George and Port Elizabeth. The Scoping review of literature and policy documents on affirmative action was conducted and adhered to the systematic review framework. This is defined as an evidence-based set of research items that seeks to assist the researcher in conducting a report on many systematic or scoping reviews Page (2021). Databases from RU, NMU,

UFH, and WSU and Labour databases were used as the sources of information. The types of databases that were used in this study include employment databases from the selected universities. The study employed a mixed-method systematic review of qualitative and quantitative secondary data to gather in-depth findings.

Data Analysis

The study employed a mixed methods systematic review, the data was analysed using tables and thematic analysis. Microsoft Word tables were used to analyse data from the quantitative sources of information. In contrast, thematic analysis was used to analyse data from purely qualitative sources of information, such as university frameworks/policies that are used to implement affirmative action. The procedure that was used by this study is purposive sampling since the frameworks that the researcher already knows the frameworks that were used by this study. A sample of management positions was ranked according to gender to measure the achievements or the functions of affirmative action policy in the universities of this study.

RESULTS

Implementation Strategies in Selected Universities of South Africa

Implementation Strategies of Affirmative Action at Rhodes University

Rhodes University has its principles/strategies to ensure how it implements the equity policy on employment and its plan for progress. Rhodes University is keen on making it a point that it fights against any form of unfair discrimination and harassment. Rhodes University finds such things disturbing the development and how the university integrates and employs all the

people within the university. By implementing the equity policy, the university starts with all forms of discrimination affecting previously disadvantaged groups.

Rhodes University eliminates these discrimination and harassment practices in various ways. The employment practices and systems in trying to be in line with the labour legislation and its basic standards. Proper communication that is related to employment activities of the University and adequate training of university managers and staff to make sure that there is proper implementation of the policies from the Department of Human Resources and the abeyance of the legal and university requirements. The university also ensures that it keeps records and allows grievances that are related to discrimination and harassment and ensures that there is consistency in the implementation and application of the policy.

Rhodes University also ensures that it fights historical injustices by making it a point that equal opportunities exist. The university noticed that people from historically disadvantaged groups had gained equal access to some political, social, and economic opportunities, as is the case with white men. So, Rhodes University saw it as necessary for it as an institution that DHET recognises to implement affirmative action to fight all the imbalances. In so doing, the university applies affirmative action measures by making it a point to put in place development programmes that give rise to work experience to the previously disadvantaged group through the Melton Foundation Programme that helps in the Accelerated Development and the internships of support staff. The university also gives support and

guidance to promote and encourages the academic staff to make it a point that they apply for personal promotion. Furthermore, for support staff occupations, the university provides opportunities for promotion for those who are suitable as staff.

In managing diversity, Rhodes University has seen the importance of ensuring that there must be a diverse workforce. In doing that, the university believes that there will be an enhanced work environment and smooth selection, as well as the development and promotion of some people on the university staff. In this university, it is seen as of great importance that there is proper dispute resolution, which helps the university in promoting "fairness, equity, management of diversity and inclusive culture". The university is then committed to ensuring that there are formal structures that are responsible for mediation and grievance procedures and also to ensuring that there are disciplinary plans for resolving the disputes arising and to further make it a point that everyone has access to such resources. The university has an employment equity plan that is there to ensure that the numerical objectives are achieved to improve the university's demographic profile of the staff in every category and level of occupation. The university is also ensuring that it determines its goal of implementing certain employment equity measures regarding selection, employment, retention, development, and pay equity and sets the timeframes that the university hopes to achieve those objectives.

The university also makes it a point that it assigns everyone who is an employee within Rhodes University that they are accountable and responsible for implementing the employment equity

plan. Rhodes University is dedicated to monitoring that the employment equity measures are implemented and are effective, in doing that, the university keeps the records of all the necessary employment activities. At least these records that are kept have also to include the information that is needed by the Department of Labour so as for them to be included in the "annual equity report," which may have some records from the equity committee.

Implementation Strategies of Affirmative Action at Nelson Mandela University

Nelson Mandela University has a policy on gender equality, which the university implements to ensure that it educates and orientates the university community about their rights, discrimination based on gender and also the university's policies, and the university continues to provide such education. Nelson Mandela University staff members are responsible for making it a point they promote awareness of gender equality and ensure that there is a clear understanding of the transformation in relation to transformation regarding sex-based stereotypes where necessary. In that, the university is responsible for ensuring that women are consulted in consolidating and taking care of the monitoring processes of the employment equity plan of the university to make it a point that human rights are taken into consideration and are treated with respect following the sexual orientation of their choice. This policy is implemented in a manner that ensures that all the projects that seek to promote the upliftment of women are being prioritised in the university. This is to try and eliminate the issues of gender discrimination and to further assist in ensuring that the equity policy

of the university is achieving its objectives.

Nelson Mandela University also has a transformation policy that seeks to promote excellence and diversity within the university. The university's executive management is responsible for making it a point that the transformation policy does its functions as per the transformational goals of the university. As such, the transformation policy is implemented by ensuring that there is a strategy to manage diversity and to monitor the process of facilitating the "institutional culture change" to embrace diversity, and for that to happen, the university in its way of implementing transformation policy also pays attention to the fact that it enhances the level of competency to its individuals or members to have a university that can achieve its goals and mission.

Implementation Strategies of Affirmative Action at the University of Fort Hare

In implementing its equity policy, the University of Fort Hare has its guiding principles that it has to follow. According to this university policy, for the purposes of trying to make an equitable workplace, there must be proper clarification and implementation of the policy.

The University of Fort Hare is responsible for making it a point that people from historically disadvantaged groups are fairly represented in all the levels and categories equally by making it a point that there is balance and account in all the necessary interests and considerations such as employment and aspirations of the dominant groups. It also includes academic excellence and the desire for efficient management and administration. The implementation of

this policy has to focus on redressing the issues related to employment injustices experienced by the minority group without neglecting the aspirations of the dominant group's interests. This policy further addresses the issue of underrepresentation of minority groups in the employment levels and categories. Still, the University of Fort Hare does not have the responsibility to make any employment equity-related activities that may result in unfairness and the employment of the dominant groups.

The implementation of the employment equity policy must enhance the respect culture of the staff members regardless of their traditional backgrounds and ensure that there is a sense of belonging. This policy ensures everyone is treated equally and has equal opportunities to contribute to university practices without being marginalised. This policy seeks to promote empowerment by eliminating all the issues that are hindering the utilisation of the staff's potential. To avoid "tokenism", this university policy ensures that everyone within the university structures is held accountable and responsible. Transparency in all the measures of the employment equity policy and the responsibility to justify the measures by coming up with the reasons to all the interested parties. The Vice-Chancellor and the executive management team are accountable for the successful implementation of the policy. At the same time, the Executive Deans, HODs and the line managers are accountable for the main implementation of the policy. They are committed to the "implementation for their performance in their appraisal areas".

For recruitment, the university ensures that it follows all the required steps that are in the recruitment policy

that the university approves. The recruitment guidelines and training are provided. The university's management is dedicated to making it a point that all the responsible authorities for recruitment consider all the relevant groups. This includes the selection committees that are responsible for the selection of the candidates that are suitable for the selection and appointments. Also, the university selection committee has a responsibility to report to the Chief Human Resource Officer on the cases of recommendations. The selection committees must be trained and guided when doing the appointment processes. There must be a clear definition of the vacancy or post, and all the candidates, including the minority groups, must have an equal chance and requirements to afford the post as stated in the Employment Equity Act 55 of 1998.

For promotion, the policy clearly states that a vacant position must be advertised externally as it cannot only be exercised on internal employees, especially in situations where the minority group is underrepresented within those that are qualifying for the vacancy. It has to be based on the objective performance evaluation system. The university is committed to promoting a diverse work environment, and it also accommodates all the applicants and employees from previously disadvantaged groups, including assured easy access in trying to accommodate people living with disabilities.

Implementation Strategies of Affirmative Action at Walter Sisulu University

Walter Sisulu University has a policy on people with disabilities. This policy affects not only the university's

employees but also the entire university community. However, the policy has strategies for its implementation that are based on people with disabilities for recruitment for employment. For selection, the university has to ensure that the process of selection is fair enough to avoid biases and that there are no assumptions that are based on people with disabilities, regardless of their gender. This policy seeks to ensure that there is reasonable accommodation and the selection process is sensitive to achieve the policy's objectives. In cases where an applicant has a visible disability or one has indicated that they are disabled, the responsible people for employment do not have to pay attention to an applicant's disability. Still, the focus must be on their qualification for the advertised position without being insensitive to an applicant regarding their impairments. However, this policy maintains that the university has to look at the nature of the disability of an applicant so that if the university's environment is not suitable for the applicant's condition/impairments, the offer should be withdrawn by the designated employer.

DISCUSSION

This section provides a discussion of the major findings of this study by providing a functionalist perspective based on the research findings. The study selected four universities in the Eastern Cape Province and sampled them purposively into two categories: historically black universities (UFH & WSU) and historically white universities (RU & NMU). This was done to review the manifest and latent function of affirmative action of women in the selected universities of this study, using the available legislative frameworks

utilised by these universities to implement affirmative action. The study reviewed the achievements and the failures of affirmative action in the selected universities and further reviewed the implementation strategies they use to implement affirmative action policies.

Crosby et al. (2006) define affirmative action as a policy that seeks to redress the discrimination of people based on gender, race, and ethnicity in the workplace. This study revealed that historically, white universities have managed to redress those injustices, especially gender-based ones. As such, the comparative analysis of this study indicates that historically, white universities have managed to mainstream more women in management positions due to the implementation of affirmative action policies.

This shows that affirmative action policies are doing their function, which is to eliminate discrimination against the marginalised group in the workplace as intended by the policy. Nelson Mandela University, which is one of the two historically white universities of this study, has more women in management positions, which indicates that this university will soon have a crisis of having fewer men in management positions, resulting in the university being seen as running a risk of reversing discrimination against men while focusing on mainstreaming women to achieve the goal of gender equity and transformation, which will be the unintended consequence of implementing affirmative action in the workplace. This means that although the university reviews its policies annually, it will need to review its policies to manage the unintended consequences of implementing affirmative action

through its monitoring and evaluation processes.

This study further revealed that historically black universities are still behind in terms of redressing the issue of gender equality. In the case of the University of Fort Hare, the reason for this is that the policies that this university uses to implement affirmative action do not speak to gender equality but rather equity to not give anyone preferential treatment based on gender. This university acknowledges historically disadvantaged groups, but women are still underrepresented in management positions. Walter Sisulu University also has the same issue of women who are underrepresented in management positions. This university does not have affirmative action that speaks to women's affirmative action, and it only recognises people living with disabilities. As such, there are relatively few women in management positions.

The University of Fort Hare and Walter Sisulu Universities are regarded as traditional universities because of their location and their background. According to Nel (2011), most women, especially black women, do not prefer to be in management positions because they perceive that being in senior management positions is challenging and are not encouraged to occupy them. The University of Fort Hare and Walter Sisulu University do not have a policy that speaks to women's empowerment to ensure capacity building and motivate them to be in these leadership positions. As a result, men end up being the majority in these positions, which indicates patriarchy in the historically black universities of the Eastern Cape.

Affirmative action policy promotes equal participation; these universities must adopt strategies for

transformation to accommodate the marginalised group by providing empowerment programmes, of course, without promoting reverse discrimination against other parties.

CONCLUSION

Affirmative action plays a major role in ensuring equity and equality in the workplace. Policy monitoring and evaluation help ensure affirmative action policies function well in the social system. The universities that have affirmative action policies that speak to the affirmative action of women as the marginalised group have or are managing not to have women as underrepresented in leadership positions. This shows that the universities that are still behind will have to adopt similar strategies to ensure that there is no discrimination in the workplace. The policy implementation has the purpose of eliminating discrimination; however, due to the changes that emanate from policy review to fit the current affirmative action policy, it ends up resulting in unintended consequences, and those unintended consequences can be addressed in future; hence, it is important to use a functionalist perspective when affirmative action policy is implemented. This section discusses the conclusion of the research result. Conclusion is written with suggestions and limitations of the research.

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