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What We Can Do Now? Addressing intersectionality challenges in work and social structures, the single academic woman of color as an exceptional case

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I. INTRODUCTION

Almost 10 years ago, the Grammy award winner Beyoncé Knowles sang about and did a serenade to “all the single ladies” and rocked the charts.¹ Later, in 2016, award winning journalist Rebecca Traister published her best seller which was, in some ways, a historical ode to “all the single ladies.”² Thus, while the single ladies have been the subject of a popular ballad and a historical study, today, in 2018,³ all the single ladies

¹ See BEYONCÉ KNOWLES, SINGLE LADIES (PUT A RING ON IT), COLUMBIA RECORDS (2008); see also Tammy La Gorce, *Beyoncé’s Golden Record*, GRAMMYS (Dec. 2, 2014), <https://www.grammy.com/grammys/news/beyonc%C3%A9s-golden-record>.

² See REBECCA TRAISTER, ALL THE SINGLE LADIES: UNMARRIED WOMEN AND THE RISE OF AN INDEPENDENT NATION (Simon and Schuster, New York, 2016) ; see also Gillian B. Whitemarch, *Book Review--All the single ladies by Rebecca Traister*, NYTIMES.COM (March 6, 2016),<https://www.nytimes.com/2016/03/06/books/review/all-the-single-ladies-by-rebecca-traister.html>.

³ The LatCrit Conference Call stated in part:
 2016 Election: What Next? Outsider Jurisprudence and Progressive Formations at a Crossroad Given the moment and trends, it is time to ask hard questions and think of new answers. LatCrit and other critical outsider formations in the legal academy face a new crossroad. After twenty-one years of critical scholarship and progressive community building, LatCrit, like many organizations that focus on liberation, anti-subordination, and social justice, faces ever-morphing challenges and hurdles
 What part will critical outsider jurisprudence and pedagogy have to play in formal and public education in the future? How do we make a difference now, and going forward, through personal and collective action?
Call for Papers, LatCrit XXI Biennial Conference, <http://www.latcrit.org/content/conferences/latcrit-biennial-conferences/latcrit-xxi-biennial-conference/> (last visited Dec. 17, 2017).

of color in the academy are often overlooked and disregarded, being seen as outside of multiple norms both in their workplaces and in their social structures. This paper asks what we can (as those from underrepresented groups) do now (as many of us still labor in possibly under acknowledged roles and institutions) to stop overlooking and to further empower intersectional groups as we work within our larger underrepresented groups. Hence, although this essay is not a musical ballad or an ode, we hope our work here gives further voice to all the single ladies of color on faculties, and especially those in male dominated disciplines and in marriage normalized institutions.

Professors and researchers in academic institutions have the potential to execute pivotal roles in the advancement of justice in our society, even today post the 2016 presidential election.⁴ The academy is a place for carrying out this potential, although admittedly the academy is not the neutral, nor the far left leaning, nor automatic force for forging equality, i.e., the kind-of-place that some may want to suggest that it is.⁵ The story about higher education is far more nuanced and complicated; and, disaggregating that complexity is critical for us in order to create more justice filled academic institutions and an equality based society at large.

As professors who spend our days teaching, researching, writing and serving, we readily admit that we hold coveted positions that allow us a degree of intellectual engagement and academic freedom. Our academic positions, however, came at a price and with a continued cost. Success in academia can be difficult to attain and, perhaps, fleeting after it is attained.⁶ Even without considering prevalent racism, sexism and other isms, numerous academic requirements must be met for success, for the grant of tenure and full professor status to assure more opportunity, and for freedom to pursue justice and encourage deeper thought for future generations.⁷ Professors generally must comply with numerous teaching,

⁴ See Angela Mae Kupenda, *Embracing our First Responder Role as Academics – With Inspiration From Langston Hughes*, Commentary Feature, THE JOURNAL OF BLACKS IN HIGHER EDUCATION, <https://www.jbhe.com/2017/10/embracing-our-first-responder-role-as-academics-with-inspiration-from-langston-hughes/> (Oct. 12, 2017).

⁵ See generally Angela Mae Kupenda, *Equality Lost in Time and Space: Examining the Race/Class Quandary Through the Lens of a Course, a Film, a Book, a Case and an Unfinished Movement*, 15 SEATTLE JOURNAL FOR SOCIAL JUSTICE 391 (2016-2017) (arguing faculty must understand their own biases to transform legal education).

⁶ The LatCrit Conference Call for Papers pointed to the insecurity of position in academia. *Call for Papers*, *supra* note 3 (“And in the law school environment, the historically most vulnerable continue to suffer the most. Increasingly, students, support staff, adjunct professors, clinical faculty, and writing faculty join the youngest without tenure (and many of the oldest)—all without clout and pushed into a new class of disposable workers within legal academia.”).

⁷ See generally Michelle D. Deardorff and Angela M. Kupenda, *Negotiating Social Mobility and Critical Citizenship: Institutions at a Crossroads*, 22 UNIVERSITY OF FLORIDA

research and service requirements. Further, professors may face a quite political climate in the ivory tower.⁸

Moreover, the academic workplace is fraught with additional complexities, especially for those of us who are outside the norm of what some think a professor should look like, be like, or live like.⁹ In order to make intellectual contributions, contribute to societal advancements, and forge more equality based systems that we can, and that we must for our country to become the country that it must become to survive, we have to navigate the difficult political and social climates in our society and even those within our own beloved institutions, whether the institution is majority White or even historically of color.

Professors from underrepresented groups, and especially those with intersectional experiences, face complicated academic contexts and nuanced personal lives. Moreover, these complexities do not end when one gets tenure at her institution. At that point she may find herself a part of continued perpetuation of injustice, or she may find herself at risk for advocating for equality or for confronting those who oppress racially, or otherwise.¹⁰

With political and social complexities, both inside and outside the academy, the question becomes: What can we do now to forge forward? This question was asked over and over, with various phrasings, at LatCrit 2017. We ask here: What can we do, given where we are, given who we are, post the 2016 election, to press forward toward equality. Of course, there is plenty that can, and should, be done in the courts, legislatures, executive offices, grassroots movements, church and religious organizations, neighborhoods, social clubs, households and extended families, and so on. There is much for everyone, who believes in justice and democracy, to do. The question becomes, “what?”, or “what can we do now?”

“What can *we* do now?” is a personal inquiry directed to us as authors here, within our particular institutions, as LatCrit participants, and to our readers here, some who are likely from underrepresented and oppressed

JOURNAL OF LAW AND PUBLIC POLICY 335 (2011) (discussing role in encouraging student growth as critical citizens).

⁸ See generally PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA (Gabriella Gutiérrez y Muhs, et al.eds., 2012) (hereinafter PRESUMED INCOMPETENT).

⁹ See, e.g., Angela Mae Kupenda, *Facing Down the Spooks*, in PRESUMED INCOMPETENT, *supra* note 8, at 20.

¹⁰ Angela Mae Kupenda and Tamara F. Lawson, ‘*Truth and Reconciliation: A Critical Step toward Eliminating Race and Gender Violations in Tenure Wars*, 31 COLUM. J. OF GENDER & THE L. 87 (2015) (discussing continuing challenges when those from underrepresented groups are tenured).

groups, or others who may be in sympathy or empathy¹¹ with us. As the authors, here, we have determined that what we can do now is to examine more closely how, even within underrepresented and oppressed groups, we can better support each other and, hence, more fully support a mission of justice.

For LatCrit participants, many of us who are outside the norm of White maleness, there is much we can do, in spite of our own struggles. Yes, we struggle, too. Faculty regarded as outside the general norm may experience unique difficulties and may be overlooked as exceptional cases unworthy of due consideration by those in normalized groups. White women faculty¹² and faculty of color are outside the general norm for faculties premised on maleness and whiteness. Women of color, then, stand further outside these norms.¹³

So, while we stand outside the norms, we may still non-normalize others.¹⁴ We are tempted to stand in misunderstanding of unique problems faced by those who are further, perhaps, outside the norm or, at least, differently situated outside the norms. In other words, even with faculty outside the norms there are exceptional cases whose needs are often ignored, as even within those outside the norm they may be seen as outsiders or different as exceptional cases. Ignoring the exceptional cases means that we fail to lend support where we can, and we fail to acknowledge the complexities even within underrepresented groups.

This essay will focus on one such non-normalized group or exceptional case, within underrepresented groups, in academia: Faculty women of color who are single and who find themselves regarded as odder still. As faculty policies are shaped to help White men as the norm, White women faculty and faculty men and women of color are left out. Then when a focus is placed on gender, the attention is frequently given to married White women, with children, at predominantly White institutions. In male dominated disciplines even at minority serving institutions, men of color are more normalized, while institutions frequently forget about the plight of their women, then certainly their women of color. And within

¹¹ Jason Silverstein, *I Don't Feel Your Pain: A failure of Empathy Perpetuates Racial Disparities*, SLATE (June 27, 2013), http://www.slate.com/articles/health_and_science/science/2013/06/racial_empathy_gap_people_don_t_perceive_pain_in_other_races.html.

¹² See Bernice R. Sandler et al., *The Chilly Classroom Climate: A guide to improve the education of women*, WASHINGTON, DC: NATIONAL ASSOCIATION FOR WOMEN IN EDUCATION (1996).

¹³ See generally PRESUMED INCOMPETENT, *supra* note 8 (compiling stories and research).

¹⁴ Angela Mae Kupenda, *The Struggling Class: Replacing an Insider White Female Middle Class Dream with a Struggling Black Female Reality*, 18 AM. U. J. OF GENDER, SOCIAL POL'Y. & THE L. 725 (2010) (discussing challenges for outsiders who become partial insiders).

women of color, we often forget that not all women are married,¹⁵ we forget so easily as marriage in academia is quite generally the norm.¹⁶ Thus, single academic women of color are forgotten even further. Therefore, it is not surprising that many policies crafted do not meet the unique needs of all the single ladies, as their reality is often overlooked, as it is so far from the perceived norm.

So, what we can do now to further equality with this essay is, specifically, to consider the status of exceptional cases of overlooked populations even within larger overlooked populations. In this paper the exceptional overlooked case, or rather group, to be examined is single faculty women of color, especially single academic Black women. What we can do is to better see and better speak to the various needs of this oppressed and ignored group within academia.

The goal of this essay, more broadly, is to speak to other complex experiences in underrepresented groups. As a result of speaking to the complexity of single women of color in academia in their work and in their social structures, we hope that this examination will serve as a framework for disaggregating other oppressed groups and, hence, moving us all toward advancing the America we have yet to become, and developing more empathy with each other even within underrepresented groups in academia and in other institutions. Further we aim to explore how lack of understanding in the workplace and lack of understanding in social structures, for exceptional non-normalized groups, must be eradicated for the good of the exceptional one and for the good of the whole.

For this essay, considering what we can do now will be undertaken in three parts. Part I will examine how the 1873 case of *Bradwell v. Illinois*,¹⁷ set up the unfortunate paradigm for the most deserving, though non-normalized, single academic woman of color to be so easily disregarded. Part II of this essay will further examine the single academic woman of color and the complications of her exceptional case. Interestingly, her experience is quite common among underrepresented groups, yet her experience is treated as exceptional and as not worthy of consideration. Part III will then discuss the effort, what we realized we could do and did

¹⁵ See Loretta A. Moore et al., *Transforming Climates for the Woman of Color: Strategic Engagement with Families and Social Networks of the Married/Partnered Academic Woman of Color*, 42 T. MARSHALL L. REV. (forthcoming 2018) (hereinafter Moore 2018) (addressing the challenges of married academic women of color, yet the status that their marital status gives them).

¹⁶ Jennifer A. Lindholm, Alexander W. Astin, Linda J. Sax, and William S. Korn, *The American College Teacher: National Norms for the 2001-2002 HERI Faculty Survey*, HIGHER EDUCATION RESEARCH INSTITUTE (2002) (see table at page 32), <http://www.heri.ucla.edu/PDFs/pubs/FAC/Norms/Monographs/TheAmericanCollegeTeacher2004To2005.pdf> (last visited Dec. 15, 2016).

¹⁷ See generally, *Bradwell v. Illinois*, 83 U.S. 130 (1873).

do, to offer her more support in both her workplace struggles and her social structures. The conclusion will discuss our lessons learned.

The broader point of this essay is for the academy to transform into a more inclusive place and serve as a societal model of advancement. Transformation may begin within underrepresented groups and must take into consideration how various non-normalized groups experience both the workplace structures and the social structures in formulating policies that include even the normally overlooked, exceptional cases, such as the single academic woman of color we consider here. We did what we could do here, our attempt to give empathetic voice to a routinely overlooked group, all the single ladies of color, who find themselves within other oppressed groups within academia in male dominated, in marriage dominated, in White dominated disciplines, and even in minority serving institutions. We hope this reflection will promote further examination of other groups within oppressed groups.

II. CONSIDERING HER PROFESSIONAL DISREGARD BEFORE THE COURT

Faculty women are considered as outside the norm. Access to professional positions and academic positions has been a grueling journey for women. Their plight in these places is analogous to their plight for political rights. For example, Black men formally received some voting rights and some other rights enjoyed by White men in 1865.¹⁸ Even when women received the right to vote in 1920,¹⁹ Black women continued to be subject to disenfranchisement,²⁰ as were Black men. So, women of color have historically received the spoken, and unspoken, disadvantage shared with White women, other disadvantage shared with Black men, and further disadvantage of being at the intersection of both.²¹

The practice of law was no exception. In an 1873 United States Supreme Court case, *Bradwell v. Illinois*,²² a White female, Myra

¹⁸ U.S. CONST. amend. XIV §1-2.

¹⁹ U.S. CONST. amend. XIX.

²⁰ NELL IRVIN PAINTER, *CREATING BLACK AMERICANS: AFRICAN-AMERICAN HISTORY AND ITS MEANING, 1619 TO THE PRESENT* 275-76 (Oxford 2006) (discussing the impact of Fannie Lou Hamer and the role of the Mississippi Freedom Democratic Party in securing voting rights for Black women and men).

²¹ See Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, 1989 U. OF CHI. LEGAL F. 139 (1989); see also Angela Mae Kupenda et al., *Political Invisibility of Black Women: Still Suspect but No Suspect Class*, 50 WASHBURN L.J. 109 (2010).

²² See *Bradwell v. Illinois*, 83 U.S. 130 (1873).

Bradwell unsuccessfully sought a constitutional right to practice law in Illinois, which prevented women from doing so. The Court, siding with the male dominated legislature in Illinois, gave constitutional authorization for Illinois and other states to continue to exclude women from the practice of law.²³

As if that was not enough, Justice Joseph Bradley added curious language further minimizing the experiences of women he saw as outside the then societal accepted norm of womanhood. The state's exclusion of women from the noble practice of law had been especially based on the lack of status of married women. Many thought a married woman should spend her time being beholden to her husband and should not be sullied or preoccupied with working as a lawyer or bartender, or voting, or owning property, or other functions in civil life. These restrictions as applied to a married woman, did not apply as neatly for a single or unmarried woman.

Therefore, Justice Bradley concurred to emphasize how critical it was, in his mind, for the laws and women to conform to general norms. These societal norms designated the appropriate place for women to be in the home. Justice Bradley stated, "The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life."²⁴ According to Justice Bradley, this "proper timidity and delicacy" related to a woman fulfilling her martial obligations and nothing more, such as occupations in our civil society.

As the focus had been on married women, Justice Bradley seemed to desire to cut off a future case brought by single women, because they could in a later case claim the right to practice law due to the fact that they had no husband to be obligated to. Justice Bradley seemed bent on excluding single women from any consideration, even excluding them from present visibility or even future thought. Hence, Justice Bradley went further in his statements to be sure that single women were also "put in their place,"²⁵ so to speak.

Justice Bradley continued, "Many women are *unmarried* . . . but these are *exceptions* to the *general* rule . . . the paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother . . . and the rules of civil society must be adapted to the *general* . . . and cannot

²³ Black women were allowed to become lawyers even later. Black female professors formed an academic group in honor of one such attorney, Lutie Lytle, who was one of the first Black women to practice law in the United States. See *Lutie A. Lytle Black Women Law Faculty Eleventh Anniversary Workshop and Writing Retreat*, UNIV. OF MICH. LAW SCH. (July 6-12, 2017), <http://events.law.umich.edu/lytleretreat/wp-content/uploads/sites/12/2017/03/Lutie-2017-Preliminary-Draft-Schedule-v.3-1.pdf>.

²⁴ *Bradwell*, 83 U.S. at 141.

²⁵ An excellent historical examination of Black women seeking to find a place or point of entry is: PAULA GIDDINGS, *WHEN AND WHERE I ENTER: THE IMPACT OF BLACK WOMEN ON RACE AND SEX IN AMERICA* (1984).

be based on *exceptional cases*.”²⁶ In other words, while Justice Bradley acknowledged that many women were single and outside the general rule, he thought American rules and structures should not consider single women at all. He argued that our rules should take account of the general norm (or, here, married women) and not the exceptional cases (of here, unmarried or single women).

Just as Justice Bradley in the year 1873 thought the focus of rules and policies in society should be bent to general norms and not focus on the “exceptional cases” of single women, sadly academic institutions today may generally still follow suit. As a result, the academic woman who is an “exceptional case” is often overlooked and excluded from consideration, even as to gender equity. This academic woman may be an exceptional case: because she is single and not married, because she is of color and not White; because she works in predominantly male disciplines and is not male; and or because she is employed at Historically Black College and Universities (HBCUs) and not Predominantly White Institutions. In other words, she may be so far outside the general norm that, with Justice Bradley’s view, she may be overlooked as an exceptional case undeserving of attention.

Thus, while the Court’s ruling in *Bradwell* did not protect the *exceptional case* of this single academic woman of color, this essay does advocate for her, as this is something we can do now. While the single academic woman of color in male dominated disciplines is often overlooked, this essay urges consideration of how she may be unsupported at work, even at HBCUs, and how she may be socially misunderstood, even in her own social structures. This is something we can do with our essay. We encourage our readers, even those who are within underrepresented groups themselves, to advocate for and empathize with her and to advocate for and empathize with other exceptional cases, too.

III. CONSIDERING HER EXCEPTIONAL, YET COMMON EXPERIENCE

The single academic woman of color may be regarded by the majority norm as different, although her life experience is a common one among her most similarly situated cohorts – other academic women of color. Part A will disaggregate the exceptionalism of her case by illustrating the factors that lead to her being overlooked and considered as far outside the norm. Following that discussion, her workplace struggle will be addressed

²⁶ *Bradwell*, 83 U.S. at 141-42 (Bradley, J., concurring) (italics added).

in Part B. Part C will examine how her plight is further complicated by the lack of understanding she may receive in her social structures.

A. Disaggregating her “exceptional case”

While academia can be difficult for all faculty members, the academic who is a woman may face a “chilly climate” institutionally.²⁷ In groundbreaking work, scholar Bernice Sandler described the chilly climates in which female academics may work. She described how in addition to overt sexism, women confront micro-aggressions that “often have a damaging cumulative effect, creating an environment that is indeed chilly – an environment that dampens women’s self-esteem, confidence, aspirations and their participation.”²⁸

An academic woman’s challenges are further compounded if she works within primarily male disciplines, such as Science, Technology, Engineering and Mathematics including the Social and Behavioral Sciences (hereinafter collectively referred to as STEM),²⁹ or even legal education.³⁰ Her challenges in male dominated disciplines have been described:

[F]emale STEM faculty members, compared to their male counterparts in STEM, reported more gender derogation — negative, insensitive or disparaging comments made about one’s own gender, and viewed their workplace as more tolerant of sexism. Building from Kantor’s proposal that token status will increase one’s social isolation, I found that female faculty members in STEM reported more scholarly isolation — feeling excluded from scholarly interactions with other faculty members, compared to their male STEM colleagues. My research on the military and other areas of academia, provides additional evidence that women face structural bias and

²⁷ Bernice R. Sandler, *The Chilly Climate: Subtle Ways in Which Women are Often Treated Differently at Work and in Classrooms*, ABOUT WOMEN ON CAMPUS, Summer 1999. For extensive sources on Sandler’s groundbreaking work, see her website at <http://www.bernicessandler.com/default.htm> (last visited Dec. 15, 2016).

²⁸ *Id.*

²⁹ Joan Burrelli, *Thirty-Three Years of Women in S&E Faculty Positions*, SCIENCE RESOURCES STATISTICS: INFO BRIEF (Nat’l Sci. Found., Arlington, Va.), July 2008.

³⁰ See discussions of female law professors in celebration of publication of *Presumed Incompetent* and offering additional strategies for women of color in academia. See generally Maritza I. Reyes, Angela Mae Kupenda, Angela Onwuachi-Willig, Stephanie M. Wildman, & Adrienne Katherine Wing, *Reflections on Presumed Incompetent: The Intersections of Race and Class for Women of Color in Academia Symposium — The Plenary Panel*, 29 BERKELEY J. OF GENDER & JUST. 195 (2014).

negative interpersonal interactions across male-dominated work settings. In sum, this research indicates that female faculty members in STEM experience more negative structural and interpersonal experiences than both female social science faculty and male STEM faculty members. These findings support the notion that such behaviors are a way to penalize women for working in male-dominated fields, and to communicate that they are not welcome in such environments.³¹

As noted above, within male dominated disciplines her challenges are major. As suggested by the Justice in *Bradwell*, male faculty and administrators may deem her as out of her place.

Further, her marital status can also complicate her experience, even for married academics. Especially in academia, marriage is the norm.³² For men, marriage likely furthers their success in their academic careers.³³ Such is not necessarily the case for married women.³⁴ The complication of marriage on the careers of faculty women, and as a possible negative effect on progress toward tenure, perhaps explains why the focus of work life balance issues has been primarily on the generally expected norm, of married with children, for women.³⁵

³¹ Isis H. Settles, *Women in STEM: Challenges and determinants of success and well-being (Science Brief)*, AMERICAN PSYCHOLOGICAL ASSOCIATION: PSYCHOLOGICAL SCIENCE AGENDA (Oct. 2014), <http://www.apa.org/science/about/psa/2014/10/women-stem.aspx> (internal citations omitted).

³² Jennifer A. Lindholm, Alexander W. Astin, Linda J. Sax, and William S. Korn, *The American college teacher: National norms for the 2001-2002 HERI faculty survey*, HIGHER EDUCATION RESEARCH INSTITUTE (2002) (see table at page 32), <http://www.heri.ucla.edu/PDFs/pubs/FAC/Norms/Monographs/TheAmericanCollegeTeacher2004To2005.pdf> (last visited Dec. 15, 2016).

³³ Robert B. Townsend, *Gender and Success in Academia: More from the Historians' Career Paths Survey*, AMERICAN HISTORICAL ASSOCIATION: PERSPECTIVES ON HISTORY (Jan. 1, 2013), <https://www.historians.org/publications-and-directories/perspectives-on-history/january-2013/gender-and-success-in-academia>.

³⁴ *See id.*

³⁵ Whitney Caudill, *Single professionals need work life balance too*, HUFFINGTONPOST.COM (June. 4, 2013), http://www.huffingtonpost.com/whitney-caudill/single-professionals-need-work-life-balance_b_3006728.html (“It is more than a little frustrating that the focus of work-life balance dialogue remains centered around parents and often mothers.”); Amanda Marcotte, *Family friendly workplaces are great unless you're childless*, SLATE (Jun. 21, 2013), http://www.slate.com/blogs/xx_factor/2013/06/21/family_friendly_workplaces_are_great_unless_you_re_childless.html (“According to DePaulo, ‘singlism’ represents the myriad ways that our culture rewards married couples, from discounts on car insurance to preferential treatment in the housing market, while treating singles as second-class citizens—and it’s increasing in the office.”).

Furthermore, as most academics work at predominantly White institutions, this work life balance focus has been on married female faculty at predominantly White institutions, most who are White.³⁶ Admittedly, married White female professors, especially those with children, may experience difficulties obtaining tenure. Yet, their social status, as White and married, albeit female, places them within a general norm of being wed.³⁷ Further, White female faculty are generally married to spouses with higher education,³⁸ who are, perhaps, knowledgeable about and more understanding of their academic spouse's challenges having been exposed to the dynamics and structures of higher education. So, while she still faces challenges, a White female academic is more likely within many norms: whiteness, married, teaching at a predominantly White institution. While she may be outside the norm of male dominated disciplines, a married White female academic looks familiar to those in her institutional workplace and in her social structures, in many ways.

On the contrary, the exceptional case of the academic Black woman, and other women of color, is generally outside these norms. First, she is outside the norm of whiteness. Second, she is outside the norm of maleness. Third, unlike most academics, nowadays the academic woman of color is more likely to be single. To illustrate, from 1890 to the 1960s, Black women married at higher rates than White women; since 1980 marriage rates for Black women dramatically declined³⁹ and for degreed Black women marriage rates are smaller still.⁴⁰ For professional women of color, singleness is common; studies show 70 percent unmarried.⁴¹ And fourth, this single Black academic woman does not work within the culture

³⁶ Townsend, *supra* note 33.

³⁷ See generally Sonu Bedi, *Sexual Racism: Intimacy as a Matter of Justice*, 77 THE J. OF POL. 998 (2015); Elizabeth Brake, Book Note, 30 PHILOSOPHY IN REVIEW 418 (2010) (reviewing TAMARA METZ, *UNTYING THE KNOT: MARRIAGE, THE STATE, AND THE CASE FOR THEIR DIVORCE* (Princeton University Press, 2010)).

³⁸ Townsend, *supra* note 33.

³⁹ See Diana B. Elliot, Kristy Krivickas, Matthew W. Brault & Rose M. Kreider, *Historical Marriage Trends from 1890-2010: A Focus on Race Differences*, (Census, Working Paper No. 2012-12 (2012)).

⁴⁰ See generally AVERIL Y. CLARKE, *INEQUALITIES OF LOVE: COLLEGE EDUCATED BLACK WOMEN AND THE BARRIERS TO ROMANCE AND FAMILY* (2011); ELECTRA S. GILCHRIST, *EXPERIENCES OF SINGLE AFRICAN-AMERICAN WOMEN PROFESSORS: WITH THIS PH.D., I THEE WED* (2011).

⁴¹ GILCHRIST, *supra* note 40. Unfortunately, the common experience is often treated as exceptional or unusual. Cf. Marcotte, *supra* note 35 (“When almost half of the people in the U.S. are single, why do companies continue to cater to their employees who are married with children?”).

of predominantly White institutions.⁴² Likely, the academic woman of color works at a minority serving institution, such as an HBCU.⁴³

As she seems so far from the general norm (male, married, at a predominantly White institution, the common race and gender in her discipline), the struggles of the single academic woman of color (in male dominated disciplines and working at a minority serving institution) are often overlooked as rare and exceptional challenges outside the general norms of understanding, though her experiences are actually the common experiences for the academic woman of color especially in male dominated disciplines and at HBCUs.

B. *Her workplace struggle*

Going back to the plea of Sojourner Truth, Black women and other women of color have argued for attention to their unique experiences.⁴⁴ In her ground breaking work, Kimberlé Crenshaw theorized this plight by advancing an intersectionality theory, arguing that women of color have experiences different from White women and different from men of color.⁴⁵ The academic woman of color stands at the intersection of race and gender, and frequently economic class.⁴⁶ In the workplace, she does not benefit from White privilege, as perhaps do White women,⁴⁷ nor does she benefit from male privilege, as perhaps do men of color. For an academic woman of color – performing often excessively imposed academic duties plus self or other imposed service duties in an environment with stereotyped perceptions – her daily life may require a performance like a contortionist.⁴⁸

The academic woman of color, standing at the intersection of underrepresentation, may be out of place, nontraditional, and unfamiliar to administrators, faculty, staff, and students alike who are more accustomed to maleness in certain disciplines. Therefore, even in the ivory tower, she

⁴² See Catherine Morris, *White Faculty Deal with the Challenges of Teaching at HBCUs*, 34 DIVERSE: ISSUES IN HIGHER EDUC. 12 (2015).

⁴³ See Morris, *supra* note 42.

⁴⁴ See Sojourner Truth, *Ar'nt' I a woman, 1851 speech*, in RIPPLES OF HOPE: GREAT AMERICAN CIVIL RIGHTS SPEECHES, EDITOR JOSH GOTTHEIMER (2003).

⁴⁵ Crenshaw, *supra* note 21.

⁴⁶ PRESUMED INCOMPETENT, *supra* note 8.

⁴⁷ See Stephanie A. Shields, *Waking up to Privilege: Intersectionality and Opportunity*, in PRESUMED INCOMPETENT, *supra* note 8, at 29.

⁴⁸ See Monica A. Moore, *Black Female Contortionists: Learning from Fiction, Examining the Psychological Mindsets, and Aiming to Untwist and Stand Up Straight*, in fact, in STEM. MONOGRAPH SERIES, NATIONAL ASSOCIATION OF AFRICAN AMERICAN STUDIES AND AFFILIATES, 22ND JOINT NATIONAL CONFERENCE PROCEEDINGS 1780, 1781-82 (2014).

routinely experiences a presumption of incompetence⁴⁹ and a lack of understanding and support in both her workplace and in her social structures.

C. *Her workplace struggle even within HBCUs*

The predicament of the academic woman of color has primarily been examined within the context of institutional settings that are predominantly White.⁵⁰ Many academic women of color, however, work within institutions that are not predominantly White. Still even at a minority serving institution, such as a HBCU with a mission of forging inclusion for underrepresented groups, she may face a difficult climate. This unique HBCU environment, with its own traditions and norms is just beginning to be examined in the literature. Initial examinations suggest some gender bias may still exist within minority serving institutions and people of color more broadly.⁵¹

While any academic woman of color may face bias even at an HBCU, marital status creates struggles. Admittedly, a single academic woman, particularly one without children, may have a better chance of obtaining tenure.⁵² The single academic woman, even with her better chance of obtaining tenure, may face multiple levels of isolation and exclusion.

Her isolation from others who are oppressed themselves, seems quite odd. Especially at an HBCU where many are nonwhite, administrators, faculty staff and students will be personally familiar with nontraditional households, as many Black households are female headed.⁵³ “Singleness” is quite common for the Black woman, and for the academic woman of color.⁵⁴ Still the single academic woman of color, even at an HBCU and even living a common racial experience, may be regarded as an exceptional case because she is not a traditionally expected married norm for an academic woman. Though her experience within the Black community is not numerically exceptional, it may be treated as such and experienced by her as lack of support in male dominated disciplines. Those in her various environments may view her as out of place due to the

⁴⁹ See generally PRESUMED INCOMPETENT, *supra* note 8.

⁵⁰ See Gloria D. Thomas & Carol Hollenshead, *Resisting from the Margins: The Coping Strategies of Black Women and Other Women of Color Faculty Members at a Research University*, 70 J. OF NEGRO EDUCATION 166 (2001).

⁵¹ See Marybeth Gasman, *Coffee Table to Classroom: A Review of Recent Scholarship on Historically Black Colleges and Universities*, 34 EDUC. RESEARCHER J. 32 (2005); Marybeth Gasman, *Swept Under the Rug? A Historiography of Gender and Black Colleges*, 44 AM. EDUC. RES. J. 760 (2007).

⁵² Burelli, *supra* note 29.

⁵³ See UNITED STATES CENSUS BUREAU, *Households and Families*, 7 (April 2012).

⁵⁴ See GILCHRIST, *supra* note 40.

norm of stereotyped womanhood (as White, married with children) and stereotyped academic status (as male, even if of color, in certain disciplines).

Painfully, therefore, her support from potential allies may be lacking intersecting most as to gender, race, class, discipline or marital status. One could think commonality of intersectionality between single academic women of color would naturally create an extended support system that helps in overcoming structural obstacles in predominantly male disciplines. However, even among those who should be her allies, the single academic woman of color at an HBCU in predominantly male disciplines may feel isolated.

D. The workplace struggle complicated by lack of understanding in social structures

The single academic woman of color may find her support diminished, not only in work climates but also in her social structures. Her perceived workplace isolation may be exacerbated as her academic demands may be misunderstood within her family and social structures. Because an academic woman of color at an HBCU is usually the first in her family to attain a graduate degree⁵⁵ and to pursue an academic profession, she may face climates at home where her social structures find her academic work struggles unfamiliar or in conflict with cultural, religious, or racial expectations regarding gender norms that are valued (even if not commonly achieved) within the social structures of the racial/ethnic community. Likewise, her challenges at home and in social structures may be misunderstood among those she desires ally relationships at work.

Therefore, institutional transformation at HBCUs requires formal examinations of how the unique social, cultural, and racial backgrounds of the single academic woman of color in male dominated disciplines may inform the type of institutional support needed to increase female participation, ensure healthy work-life balance, promote career advancement and transform institutions. Better support for academic women of color in HBCUs will lead to better institutional communities, better families and social structures touched by these historic institutions and these precious women.

⁵⁵ See generally Angela Mae Kupenda, *Increasing Black Wealth Takes Generational Sacrifice—It Always Has*, Essay, EBONY (June 14, 2016), <http://www.ebony.com/career-finance/black-wealth-sacrifice#ixzz4BgQ98Q5J>

IV. THE ACADEMIC WOMAN WORKSHOP

For legal education and other male dominated disciplines, we can learn much given progress in other disciplines, like STEM. We can also learn more, by what we can do, by examining steps taken within other underrepresented communities, such as HBCUs. In 2010, The National Science Foundation (NSF) addressed women of color at HBCUs by awarding in 2010 a NSF Grant to Transform the Climate and Advance STEM and SBS Women at Jackson State University (JSU), an HBCU in the South (JSU ADVANCE).⁵⁶ One of the activities of the JSU ADVANCE project⁵⁷ was a one-day workshop, organized in response to academic women of color in STEM⁵⁸ at JSU who voiced an urgent need for assistance in helping their families, and others in their social structures, understand their academic demands and to create allies at home, as well as at work.

⁵⁶ The National Science Foundation (NSF) formally acknowledged the need to address an exceptional, population—academic women of color, especially Black women, at HBCUs. *Transforming the Climate and Advancing STEM Women at JSU, an HBCU in the South (JSU ADVANCE)*, NAT'L. SCI. FOUND., Award Abstract # 1008708, http://www.nsf.gov/awardsearch/showAward?AWD_ID=1008708 (last visited Jan. 7, 2017); Project Description, JSU ADVANCE, <http://www.jsums.edu/jsuadvance/files/2010/11/ProjectDescription.pdf?x89135> (last visited Jan. 7, 2017); see generally *JSU Advance Reception and Women's History Month Celebration*, JSU ADVANCE, <http://www.jsums.edu/jsuadvance/news/page/8/> (last visited July 24, 2016); JSU ADVANCE, <http://www.jsums.edu/jsuadvance/> (last visited July 24, 2016).

⁵⁷ Other activities have been written about. See, e.g., Loretta A. Moore, Deidre L. Wheaton, Evelyn J. Leggette and Angela Mae Kupends, *Building Support for Faculty Women of Color in STEM*, DIVERSE ISSUES IN HIGHER EDUCATION (Nov. 29, 2016), <http://diverseeducation.com/article/89691/> (extending vision and work of JSU ADVANCE); *Implicit Bias Think Tank*, JSU ADVANCE <http://www.jsums.edu/jsuadvance/implicit-bias-think-tank/> (last visited Dec. 10, 2017); L.A. Warren, *NSF helps JSU think tank stamp out implicit bias on campus against STEM women, others*, JACKSON STATE UNIVERSITY NEWS (Mar. 30, 2017), <http://www.jsumsnews.com/?p=29266>; Arielle Dreher, *'Big, Black or Boy' Preschoolers Face Higher Expulsions and Suspensions*, JACKSON FREE PRESS (Mar. 23, 2017), <http://www.jacksonfreepress.com/news/2017/mar/23/big-black-or-boy-preschoolers-face-higher-expulsion/#,WOgBk6X6XPs.email>; EVELYN J. LEGGETTE, LORETTA A. MOORE, AND ALMESHIA L. CAMPBELL, EDITORS, INSTITUTIONAL TRANSFORMATION 2011-2015 (2016, Limited Edition Collector's Item) (The transformation of Jackson State University was marked by the commencement address of former First Lady Michelle Obama in April 2016 encouraging graduates to choose excellence, *id.* (foreword by former JSU President Carolyn W. Meyers, who was Co-PI of JSU ADVANCE during her presidency)).

⁵⁸ Hereinafter, STEM will be used to collectively refer to disciplines include: Sciences, Technology, Engineering, Mathematics and the Social and Behavioral Sciences.

A. *The structure*

The JSU ADVANCE project hosted a day-long workshop titled, *The Academic Woman: Balancing Responsibilities, Expectations and Biases*. The program had widespread participation of women in STEM and other disciplines from Assistant Professors to senior administrators. The program included speakers, focus groups, surveys and recorded interviews. The program started with a presentation by Dr. Eletra S. Gilchrist, author of the widely acclaimed book, *Experiences of Single African-American Women Professors: With this Ph.D., I Thee Wed*,⁵⁹ which provided a framework for addressing the experiences of the academic woman of color in her workplace and in her family, and for identifying how challenges in each climate impact the other.

Following Gilchrist's provocative presentation, three parallel focus groups were held: the spouses/partners of the academic woman, academic women with spouses/partners, and single academic women. A general overview of findings appeared in conference proceedings⁶⁰ and findings of the first two focus groups are discussed in another article.⁶¹ The focus group of interest for this essay is the cohort of single academic women of color.

B. *A focus on the single academic woman*

A common theme by the single academic women of color participants was the issue of isolation.⁶² At times these single academic women isolated themselves for survival. They echoed that many of those in their institutions lack empathy for the gender issues they face both at work and in their social structures. Similarly, those in their social structures do not understand their work demands. As a result, they end up overworked with commitments both at work and in their social structures. "The overworking, then, leads to further isolation,"⁶³ self-imposed isolation for survival.

Many participants commented that, because of connections in their disciplines, most of their friends (and potential allies) are male.⁶⁴ These potential allies generally yield little support and seem to lack understanding of the work situation of the single academic woman of color

⁵⁹ GILCHRIST, *supra* note 40.

⁶⁰ See Loretta A. Moore et.al., *Transforming Climates for the Academic Woman of Color: Facilitating Greater Understanding in the Workplace Climate and in Social Structures*, Invited paper, RP279 12TH LATIN AMERICAN AND CARIBBEAN CONFERENCE FOR ENGINEERING AND TECHNOLOGY (2014) (hereinafter Moore 2014).

⁶¹ See Moore 2018, *supra* note 15.

⁶² Moore 2014, *supra* note 60, at section 4.3.1.

⁶³ *Id.*

⁶⁴ *Id.*

in the academy and her situations in her social structures, too.⁶⁵ These women find their singleness questioned at work, and even at academic conferences, with lack of sympathy from colleagues, as their lives are perceived to be easier which means heavier workloads are sometimes imposed upon them, regardless of whether they are single parents or not.⁶⁶

Similarly they feel in isolation from other women of color, especially married women.⁶⁷ The single women in the cohort did not fully understand why the married faculty women leave them out, with some speculating they feared the single women were attracted to their husbands, or just found them odd since they were outside the norm of marriage.⁶⁸

Family members too, who do not fully understand their academic demands, tend to impose greater demands.⁶⁹ While some single academic women of color report personal ambivalence about their singleness and low potential for marriage, others enjoy singleness and their work.⁷⁰

In addition to the theme of isolation, these single academic women of color were hesitant to call attention to their singleness. While at the close of the workshop they were glad they participated, initially many were concerned that this participation would just call attention to themselves as outside the norm⁷¹ or reflected a desire to fix them as if something was wrong with them.⁷²

V. CONCLUSION

Considering the call of the LatCrit Conference as to what we can do now and evaluating the workshop findings from this work of JSU ADVANCE, we learned several lessons with broad implications for underrepresented groups. First, we learned that, while much progress has been made in the transformation of climates and the progress of equality for women and people of color even within our academic institutions, much more is needed to address exceptional cases as the single academic woman of color in STEM and other male dominated disciplines. Much

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ See Loretta A. Moore et.al., *Transforming Climates for the Academic Woman of Color: Facilitating Greater Understanding in the Workplace Climate and in Social Structures*, Invited paper, RP279 12TH LATIN AMERICAN AND CARIBBEAN CONFERENCE FOR ENGINEERING AND TECHNOLOGY (2014) (hereinafter Moore 2014); see Janice Y. Watson & R. Rennae Eilliot, *Spirituality, Singleness, and Scholarship, Single Black Women Ph.D.s and the Christian HBCU*, in GILCHRIST, *supra* note 40, at 141, 151-52.

⁶⁹ Moore 2014, *supra* note 60, at sec. 4.3.1.

⁷⁰ *Id.*

⁷¹ *Id.* at sec. 4.3.2.

⁷² *Id.* at sec. 4.3.1.

more work is needed, counterintuitive, even at minority serving institutions with missions focused on the underrepresented.

Second, we learned that to improve the plight of underrepresented groups as a whole and now today, attention must be given to the intersection of the particular demographic, the diverse experiences within the demographic, the nature of the institutional climate and the climate in social structures. It is not enough to say that women of color are at the intersection of race and gender. Their experiences are not at a fixed point where men of color and White women are in common. Rather, women of color have distinct concerns unaddressed by both groups. Furthermore, even within women of color, even within Black women, there are groups with unique challenges, as seen with all the single ladies who are academic women of color here at HBCUs and in male dominated disciplines and marriage normalized institutions. The good news is that means as underrepresented people we have much more to uncover about advancing our communities, institutions and society. Perhaps, a good start is by being supportive of one single lady, or one group within many groups, at a time. We have much to learn about diversity within diverse groups, and how the social structure impacts workplace success.

So, third, even among single academic women of color at HBCUs in particular disciplines, there are social structure differences: never married, divorced, widowed, or in long term relationships; with or without children; family caregivers or not; and so on. We should not assume that, even within an exceptional case within an underrepresented group, that they are all the same.

Finally, we hope that this essay has demonstrated that the Court in *Bradwell v. Illinois* was wrong in so many ways. Particularly, it was wrong as to who was deserving of attention. Even *exceptional* cases are deserving of attention to facilitate their success at work, in their social structures and for institutional and societal transformation. This is something that underrepresented groups can do. We can explore the complexities within our non-normed groups and, hopefully, relieve some of the isolation, rethink some of the norms that leave out the common experiences of so many people of color, and make a place for success at work and in social structures for all the single ladies.

