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This study investigated the cultural barriers that Black women at historically Black colleges and universities (HBCUs) face when deciding whether to report acts of sexual victimization and how those barriers operate as a silencing agent. Underpinned by critical race theory and Black feminist thought, this study presented an opportunity to identify the specific barriers to reporting sexual victimization for Black women at HBCUs and to examine the impact that culture has on reporting practices. Qualitative interviews with Black women students between the ages of 18 and 25 at HBCUs, blended with critical policy analysis and textual analysis underpinned by BFT and CRT, were utilized to identify and highlight the importance of the intersectionality of race, gender, culture, and Black female stereotypes as factors to reporting. Additionally, six cultural themes emerged from the data and revealed how navigating cultural and legal barriers influence whether Black women at HBCUs will report acts of sexual victimization. Implications will help understand and improve the reporting of sexual victimization by Black women at HBCUs and create safer, more supportive learning environments.

*Keywords:* Black women, sexual victimization, HBCUs, critical race theory, Black feminist thought

THE CODE OF SILENCE: THE IMPACT OF CULTURE ON REPORTING ACTS OF  
SEXUAL VICTIMIZATION FOR BLACK WOMEN AT HBCUS

by

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## CHAPTER I: INTRODUCTION

The Centers for Disease Control and Prevention (CDC) recognizes sexual violence as a serious health issue that affects millions every year. Unfortunately, it is impossible to understand the extent of this crisis because research shows that sexual violence is grossly underreported. Studies show that sexual violence is common, starts early, and is costly with chronic effects (CDC, 2021). Additionally, many survivors never report the incident to law enforcement (Basile & Saltzman, 2002; Rand & Catalano, 2007) or even disclose their victimization to their friends or family (Amar & Gennaro, 2005).

The National Crime Victimization Survey of 2010 (Truman, 2011) found that approximately 270,000 women aged 12 and older reported being sexually victimized during the previous year. The health consequences of sexual violence are well documented and include short-term and long-term health problems such as depression, anxiety, eating disorders, post-traumatic stress disorder, and suicidal ideation (CDC, 2021; Crosby, 2014; Fedina et al., 2018).

Sexual victimization against college-aged females is grossly underreported to law enforcement (Wolitzky-Taylor et al., 2011). A special report issued by the U.S. Department of Justice (2014) indicated that females between the ages of 18-35 had the highest rates of sexual assault compared to females in all other age categories. Black women, however, have the lowest rates of reporting (Terrell, 2016). The conventional analysis critically omitted how racial stigma complicates male violence toward Black women (Ritchie, 2012). Using critical race theory and Black feminist thought as its theoretical frameworks, this research project identified and explored cultural barriers to reporting acts of sexual victimization by Black women, specifically at historically Black colleges and universities (HBCUs).

My interest in this issue stemmed from my employment of almost 2 decades at two public HBCUs in North Carolina. From 2002 until December 2020, I have served in various administrative positions in higher education: Assistant Legal Counsel, General Counsel, Interim EEO Director, and Vice-Chancellor and Chief of Staff at public HBCUs in North Carolina. I currently serve as Board Secretary at a large, predominantly White institution (PWI) in the Northeast. In each of these professional capacities, I had access to all information, including personal and confidential information, that was necessary for me to provide advice and counsel to the universities' chancellors. In my roles as a chief legal officer, interim director of equal employment opportunity, interim Title IX coordinator, and chief of staff, I was directly involved in the investigation of campus sexual victimization cases. During these experiences, I noticed that Black women were extremely reluctant to report acts of sexual victimization to anyone, even when others knew about those acts. The rates of Black women reporting acts of sexual victimization appeared to remain low even as more federal laws, regulations, and resources were being directed nationally to address issues related to sexual victimization. It was well-documented that Black women report rape at a rate much lower than White women do (Terrell, 2016).

Most information and research about sexual victimization on college campuses that pertains to Black women tend to be byproducts of the research focused directly on White women. Research specifically on or about Black women was limited, and there was even less research focused on Black women at historically Black colleges or universities (HBCUs; Krebs et al., 2011). The intersections of race and gender remain conspicuously absent from most conversations about campus sexual victimization, particularly for Black women (Wooten, 2017). The review of research articles and literature produced very few primary studies related directly

to sexual victimization against Black women at HBCUs. The Historically Black College and University Campus Sexual Assault (HBCU-CSA) Study (Krebs et al., 2011) is one major study that has produced several related articles using data collected from approximately 4,000 Black college-aged women at HBCUs.

In addition to socioeconomic status and age, cultural backgrounds may also affect the impact of violence (Ritchie, 2012). This current study used interview data collected from four Black women between the ages of 18-25, who were enrolled students at HBCUs located in North Carolina at the time of the interview. The information was used to identify cultural barriers that Black women at HBCUs encounter when reporting sexual violence and explore the impact of these cultural barriers on reporting. Moreover, I examined the law and policy, cultural factors at HBCUs and society, and qualitative interviews to explore the factors that impact or serve as barriers to Black women reporting acts of sexual victimization at HBCUs.

This study is significant because it adds new knowledge to the literature, which indicates that Black women and HBCUs have not traditionally been the primary focus in research studies. Additionally, it provides understandings about how to better support Black women who are victims of sexual violence as Black women make up approximately 70% of the enrolled students on HBCU campuses. The future of campus culture and enrollment sustainability at HBCUs are dependent, in part, upon the ability of HBCUs to address sexual victimization issues about Black women and help them feel safe as Black women are the primary customers for HBCUs.

### **Sexual Victimization on Campus**

Data and research continue to show evidence that sexual victimization is underreported in the United States and reported at much lower rates than other violent crimes, such as assault (50%) and robbery (60%) (Lehner, 2017; Wolitzky-Taylor et al., 2011). Sexual victimization



against college-aged females is *grossly* underreported to college officials or law enforcement, including campus law enforcement, with fewer than one-third reported to police (Truman & Langston, 2014; Varelas & Foley, 1998). For this research, sexual victimization is defined as nonconsensual and unwanted sexual contact, including but not limited to touching, oral sex, anal penetration, vaginal penetrations, with any object or body part in which either physical force or threat of force and/or where victim is incapacitated or unable to consent. (Lindquist et al., 2013, p. 2443)

In a special report issued by the U.S. Department of Justice (2014), females between the ages of 18-24 years of age had the highest rates of sexual assault compared to all females in all other age categories, according to the National Crime Victimization Survey, and 80% of the sexual assaults went unreported. Sadly, Black women report even fewer acts of sexual victimization than White women do. For every Black woman who reports an act of sexual victimization, there are approximately 15 Black women who do not report (Terrell, 2016). The current research identifies several reasons why women, regardless of race, do not report. Reasons that impact the reporting of sexual victimization include the fear of revictimization, self-blaming, and/or victim-blaming. These reasons are referred to as rape myths. Rape myths are defined as falsities that minimize victim trauma or blame the victim and serve as a justification for dominance (White et al., 1998).

Unfortunately, much of the existing sexual violence research has been conducted at or on PWI campuses or with students who attend PWIs. This includes research aimed at or addressing specific racial groups, such as Asian, Black, or Latino women (Crosby, 2014; Fisher et al., 2010). While there is some level of research regarding Black women at PWIs, there is considerably less available research that specifically addresses the student populations situated

on HBCU campuses. The review of the current literature provides a very limited context of information regarding sexual victimization reporting by Black women at HBCUs, even as laws, policies, and regulations have been implemented to establish better mechanisms to improve reporting.

### **Higher Education Laws and Regulations**

Legal regulations and legal remedies have been used as methods to address the systemic problem of sexual victimization through the passages of statutes, civil lawsuits, and the expansion of campus student judicial proceedings (Fisher et al., 2010). Federal legislation and administrative oversight have focused more attention on issues of sexual violence.

In 2011, the Department of Education issued a Dear Colleague letter clarifying its position that sexual harassment of students, including acts of sexual violence, is a form of sex discrimination prohibited by Title IX. The Dear Colleague letter also clarified the due process required for the complainant and the respondent to ensure a more equitable approach to the administrative Title IX review process. In 2013, President Obama signed the Violence Against Women Reauthorization Act (VAWA) of 2013, which amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereinafter referred to as “Clery Act, 1990”). The Clery Act is an amendment of the Higher Education Act (1965). The Clery Act (1990) requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of participating in the Federal student financial aid programs authorized by Title IV of the HEA. Under VAWA (2013), institutions are required to compile statistics for incidents of sexual assault, dating violence, domestic violence, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (Office of Federal Student Aid, 2014).

Between 2016 and 2020, the Trump administration rolled back more than 20 anti-discrimination regulations enacted under the Obama administration to protect disabled, transgender, and minority students (Gersen, 2019; Meckler, 2018). In November 2018, Betsy DeVos, the Secretary of the Department of Education, proposed new Title IX regulations that, among other things, changed the standard of proof and procedural requirements for on-campus investigations and campus-based hearings. The proposed rules allowed for cross-examination of participants and shifted the burden of proof from *preponderance of evidence* to *clear and convincing evidence*, which is a higher standard (Gersen, 2019). Sexual assault advocacy groups believe that these newly proposed regulations created unsafe environments and barriers to reporting acts of sexual violence (Gersen, 2019; Meckler, 2018).

The changes implemented under the Trump Administration, layers of federal policies, state laws, and institutional policies heavily regulate college campuses. Institutions of higher education are required to comply with a cadre of quasi-judicial procedures pertaining to sexual assaults under the Family Educational Rights and Privacy Act (FERPA; FERPA, 1974), NC Public Records Act, Title IX (1972), VAWA (1994, 2013), the Clery Act (1990), and campus student judicial processes. These legal initiatives, taken together, served to highlight the salience of sexual victimization, with each regulation affording its own specific protection for sexually victimized students (Fisher et al., 2010).

### **Family Educational Rights and Privacy Act**

The Family Educational Rights and Privacy Act (FERPA) (1974) protects the privacy of students' educational records. It applies to all schools that receive funds under an applicable program of the U.S. Department of Education, including primary schools, secondary schools, and institutions of higher education. Before high school graduation, this law gives parents certain

rights concerning their children's education records. When a student reaches the age of 18 or attends a postsecondary school, the rights transfer to the student, and parents cannot access these records without the student's written consent (U.S. Department of Education, 2015). The student now has the right to access their education records, the right to petition to amend the records, the right to have control over the disclosure of personally identifiable information from the records, and the right to file a complaint with the U.S. Department of Education (U.S. Department of Education, 2015). There are specific exceptions under FERPA (1974) regulations in which information may be shared, but the general rule is that student records are confidential and not subject to disclosure (U.S. Department of Education, 2015). This is significant because FERPA (1974) does not allow colleges to publicly share information about sexual assaults or other disciplinary matters of students (Kelderman, 2014). Colleges, however, must report crime data per the Clery Act (1990).

As a comprehensive federal statute, FERPA (1974) once served as a shield to prevent the disclosure of confidential student information. Modifications to FERPA (1974) over the years have diluted its protection. The Student Right-to-Know and Campus Security Act (1990) modified FERPA (1974) by permitting colleges and universities to disclose the outcome of disciplinary proceedings to the victims of crimes of violence. The Higher Education Amendments Act of 1998 further amended FERPA by providing a final result exception that gives colleges and universities the authority to disclose the final result of a disciplinary proceeding conducted against a student who committed a crime of nonforcible sex offense or violence and who has been determined to have violated the institution's rules pertaining to such offenses. In North Carolina, the Public Records Act further dilutes the protective shield of confidentiality under FERPA (*DTH v Folt*, 2018).

## North Carolina Public Records Act

The North Carolina Public Records Chapter of the North Carolina General Statutes specifies that all records compiled by agencies of the North Carolina government or its subdivisions are property of the people. Moreover, it is a matter of public policy that the people are entitled to access public records and public information free or at a minimal cost (North Carolina General Assembly [NCGA], 2020). Because state-supported colleges in North Carolina are deemed state agencies, the public nature of student disciplinary records has been called into question.

In 2016, the confidentiality provisions of FERPA were challenged by the *Daily Tar Heel* (*DTH v Folt*, 2018), a campus newspaper housed at the University of North Carolina at Chapel Hill. In action for declaratory judgment, the DTH asked the court to compel the University of North Carolina at Chapel Hill to release the student records. They argued that because FERPA permits the disclosure of student disciplinary records in certain situations and does not prohibit the request, the University of North Carolina at Chapel Hill must disclose under the NC Public Records Act. This case was appealed up to the United States Supreme Court, which declined to hear the matter. As a result, the ruling by the North Carolina Supreme Court established the controlling law concerning the application of FERPA against NC public records law. Ultimately, that court held that the University of North Carolina at Chapel Hill was required to release students' disciplinary records when accused students have been found to have violated the university's sexual assault policy (*DTH v Folt*, 2018).

The dilution of FERPA by the North Carolina courts will have a chilling effect on reporting acts of sexual victimization for all victims, but most specifically for Black women who are often empathetic to the perpetrator if he/she is another Black person. The unique cultural

experiences of Black women, particularly their compliance with the code of silence, which is discussed later in more detail, influence whether they will report. The possibility that someone outside of their defined core group could know their business will preclude Black women from reporting acts of sexual victimization. Additionally, the propensity for Black women to protect Black men will impact reporting because Black women will not want Black men accused of sexual victimization to be publicly indicted in university student newspapers. Universities, nevertheless, are obligated to provide a grievance process for complainants per Title IX of the Civil Rights Act (1972).

### **Title IX of the Civil Rights Act**

In April 2011, the U.S. Department of Education's Office for Civil Rights (OCR) issued a "Dear Colleague" letter (U.S. Department of Education, 2011) warning schools that continued receipt of federal funds required measurable compliance with the terms of both Title IX (1972) and the Clery Act (1990) (U.S. Department of Education, 2011). Under Title IX, institutions must adopt and publish grievance procedures that provide a prompt and equitable resolution as recipients of federal financial assistance, including federal financial aid (U.S. Department of Education, 2011). "OCR has identified [several] elements in evaluating whether a school's grievance procedures provide for prompt and equitable resolution of sexual harassment complaints" (U.S. Department of Education, 2011, p. 9). The following elements are critical to satisfying Title IX compliance for *prompt and equitable*:

OCR will review all aspects of a school's grievance procedures, including the following elements that are critical to achieving compliance with Title IX:

- Notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;

- Application of the procedures to complaints alleging harassment carried out by employees, other students, or third parties;
- Adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
- Designated and reasonably prompt time frames for the major stages of the complaint process;
- Notice to parties of the outcome of the complaint; and
- An assurance that the schools will implement preventive steps to remediate any harassment and to correct its discriminatory effects. (U.S. Department of Education, 2011, p. 9)

The declaration of sexual violence as an act of discrimination and the right to a prompt and equitable resolution to a discrimination complaint does not seem to have had an impact on encouraging Black women at HBCUs to report acts of sexual violence. Black women have been historically excluded from the rights and privileges of citizenship in the United States. They understand that the laws of this country were not written or created to include Blacks or women. Moreover, as both Black and woman, Black women are consciously aware of their exclusion through their lived experiences and thereby inherently understand that laws that were not written for them will also not protect them. The same is true for the Violence Against Women Act (VAWA, 1994, 2013).

### **Violence Against Women Act (1994, 2013)**

In 1994, Congress passed the Violence Against Women Act as a part of the Violent Crime Control and Law Enforcement Act of 1994 due to the severity of crimes associated with

domestic violence and sexual assault (VAWA, 1994). This act was reauthorized in 2000, 2005, and 2013.

The Violence Against Women Reauthorization Act (VAWA) of 2013 requires colleges to develop a policy statement regarding prevention programming and the procedures that it will follow once an incident of sexual violence has been reported. The policy statement must also include the evidentiary standard (i.e., a preponderance of the evidence) used during any conduct proceeding (National Network to End Domestic Violence, n.d.). In addition to VAWA (2013) requirements, colleges are further required to provide any student or employee who alleges an incident of stalking or domestic with a written explanation of their rights and options. Lastly, VAWA (2013) prohibits colleges from discriminating against individuals who exercise their rights or responsibilities under Section 304 of the VAWA (2013) the Campus Sexual Violence Elimination Act, commonly known as the Campus SAVE Act (2013).

### **Campus Sexual Violence Elimination Act**

Section 304 of VAWA (2013), the Campus Sexual Violence Elimination Act amends the Clery Act (1990) and enhances campus responses to domestic violence, sexual assault, dating violence, and stalking by (a) modifying reporting requirements, (b) providing guidance on campus statements of policy, and (c) improving victim's rights protection. Colleges must have policies that facilitate accurate and prompt reporting of all crimes to campus police and/or the appropriate law enforcement agency (National Network to End Domestic Violence, n.d.). This applies both when the victim of such crime elects to make a report and when the victim is unable to make such a report. Campus SAVE Act (2013) also amends the Clery Act (1990) to include domestic violence, dating violence, and stalking to the list of crime statistics, which colleges must report to the federal government (National Network to End Domestic Violence, n.d.).



Campuses are also required to develop a policy statement regarding prevention programming and the procedures that the institution will follow upon reporting an incident, including a statement of the standard of evidence used during any conduct proceeding (National Network to End Domestic Violence, n.d.). Additionally, campus policies must address the following to comply with the minimum requirements:

- Primary prevention awareness and education programs for all incoming students and new employees;
- Ongoing prevention and awareness campaigns for students and faculty;
- Provide victims options regarding law enforcement and campus authorities, including their option to notify campus or local law enforcement and their option not to report;
- Provide information about the rights of victims and the campus' responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
- Procedures for on-campus institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking;
- The right for both the accuser and the accused to have the opportunity to an advisor of their choice at any meeting or proceeding by an advisor of their choice;
- Procedures for both the accused and the victim to appeal the results of a campus disciplinary proceeding;
- Information about how the institution will protect the confidentiality of victims; and
- Procedures for providing written notification to victims of options for, and available assistance in, changing academic, living, transportation, and working situations after

an alleged sexual assault incident, if so, requested by the victim and if such changes are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. (National Network to End Domestic Violence, n.d.)

Through the enactment of both federal and state policies, the accountability for reporting and handling matters of sexual assault expanded for colleges and universities. Institutions have an affirmative duty to comply or face sanctions and consequences, including the loss of federal funding. Collectively, these policies call into question “whether [they] have meaningfully improved female students’ safety or have served more as a symbolic reform that has been more show than substance” as official statistics drastically underestimate the incidents of crime, including sexual victimization against female students, while reporting rates for Black women continue to remain relatively low (Fisher et al., 2010, p. 186).

### **The Code of Silence**

The code of silence is deeply rooted in Black culture. “What goes on in this house stays in this house” is a colloquial phrase that most Black people know, have heard, and understand. It symbolizes how Blacks are culturally taught not to trust people outside of the family or fictive kinship. This code of silence is a remnant of Colonial slavery that fuels Blacks’ mistrust of authority, especially police. It cannot be overlooked, however, that the code of silence also manifested as a form of power, resistance, and protection for the Black community against slaveholders.

The Black community expects Blacks to protect the community and not expose it (Pollard-Terry, 2004). Providing information to help the police or another authority any information about another Black person is one of the worst sins in Black culture (Pollard-Terry,

2004; Terrell, 2016). Consequently, the snitching ethos and code of silence operate to pervasively erode the Black community by rationalizing criminal behaviors (Maxwell, 2010). In Black communities, *snitches get stitches*; therefore, the fear of retaliation and/or future harm against the reporting party is a barrier to reporting crimes. To violate the code of silence is an act of betrayal against family and/or Black community. For Black women, silence equates to survival and is reinforced in many ways.

Silence is reinforced in several aspects of Black culture: religion, misogyny in Hip-Hop, the notion of Black men as endangered species, and stereotypes about Black women. Religion operates as a silencing agent because Black women are taught that God will take care of our every need. The misogynistic Hip-Hop culture perpetuates silence by glorifying the loyal “ride or die bitch,” who is conditioned to tolerate abuse, which Black women are more inclined to do because Black men are portrayed as endangered species. By perceiving them as such, Black women are taught to protect Black men through silence by not reporting any of their crimes or misdeeds. Within this toxic code of silence, Black women manifest as hypersexual deviants or masculinized, undesirable Mammies, who, for centuries have been deemed unrapable and invisible. Black women are not seen and therefore are not heard.

### **Purpose of the Study**

Despite federal guidance, increased attention, and more administrative oversight for reporting acts of sexual victimization, Black women at HBCUs still lag behind their White counterparts for reporting acts of sexual victimization (Lindquist et al., 2013). Underpinned by critical race theory and Black feminist thought, this study presented an opportunity to examine the cultural factors that impact reporting sexual victimization by Black women at HBCUs. These theories were used to determine what factors operate as barriers and if these factors impact or

impede reporting acts of sexual victimization by Black women at HBCUs. Additionally, this study explored the importance of the intersectionality of race, gender, culture, and Black female stereotypes.

The purpose of this study was to identify the specific barriers that act as silencing agents to reporting sexual violence for Black women at HBCUs and to examine the impact that culture has on reporting practices, using critical race theory and Black feminist thought. Research suggests that variables such as socioeconomic status, age, and cultural background may influence the impact of violence on different groups of women (Ritchie, 2012). It may be important to note that the cultural background of HBCUs is familial and communal like that of the general Black community (Lenning, 2017). HBCUs may be able to utilize the results of this study to design better support structures, generate adequate resources, and develop equitable procedures. The overall objective is to improve the reporting of sexual victimization by Black women at HBCUs and ensure a safe and supportive learning environment.

### **Research Questions**

This study intended to enhance understanding about why Black women are silenced do not report acts of sexual victimization and identify barriers to reporting using critical race theory and Black feminist thought to support this research. The following questions guided this study:

- Overarching question: Why do Black women at HBCUs not report acts of sexual victimization?
  - What aspects of Black culture do Black women report influence their decision of whether to report the incident?
  - How does being both Black and a woman influence whether Black women report acts of sexual victimization?

## **Significance of the Study**

Through critical race theory and Black feminist thought lenses, this study challenged the preconceived notions of race, gender, and sexism related to issues of sexual victimization on HBCU campuses. These theories postulate that scholars and practitioners must (re)center the experiences of Black women. Scholars must listen to the counter-narratives of those who have experienced acts of racism and sexism. These experiences can be used to counter the dominant discourses circulating in educational and societal practices (Delgado Bernal & Villapando, 2002; Iverson, 2007). Additionally, the experiences can highlight the forms of racial inequalities that are often assumed to be neutral or objective. The White racial experience should no longer be the normative standard for higher education policies and practices. The experiences of Black women must be considered to define and shape their own narrative. Specifically, Freire (1968) suggests that the oppressed must share their own voice and experiences for true liberation to begin. By blending critical approaches to policy analysis with methods of textual analysis, this study provides an opportunity to focus on silences and exclusions and amplify the of voices of those at the margins (Baez, 2002; Iverson, 2007; Revilla & Asato, 2002).

There is very little research about campus sexual assaults that is specific to Black women. The experiences of Black women are often lumped into studies where the target research subject is White women (Lindquist et al., 2013). Consequently, the generalizability to Black women is limited, and most studies have not addressed why the disparity for reporting exists between the races. Studies that do include Black women indicate that college-aged Black women have an even lower rate of reporting sexual assault to law enforcement, with race being a significant factor associated with the decreased likelihood of reporting (Wolitzky-Taylor et al., 2011). There is little evidence on why racial minority status continues to be a factor in non-reporting.

The scarcity of research conducted solely about Black women who have been sexually assaulted further highlights the need for research that focuses specifically on Black women and the specific barriers that Black women face when reporting acts of sexual violence. The analysis here indicates that race is merely one factor influencing reporting, and more research is needed to determine what other factors may influence reporting (Wolitzky-Taylor et al., 2011). When deciding whether to disclose, Black women must also consider the impact of racism, stigma, stereotypes, sexism, rape myths, and community and cultural standards in the context of complicated laws and regulations.

### **Conclusion**

As discussed in this chapter, sexual victimization is underreported nationally. For women on college campuses and Black women, sexual victimization is grossly underreported. Additionally, very little research is focused specifically on Black women and how Black culture perpetuates silence and influences their reporting behaviors for acts of sexual victimization. To better understand and address issues of non-reporting for Black women, it is imperative that more research be conducted specifically with Black women as the intended subjects and not merely as byproducts.

In Chapter II, I review the current literature, introduce the historically Black college and university, and discuss the unique characteristics of Black culture that impact reporting acts of sexual victimization for Black women. In Chapter III, I discuss the methodology used and the impact of the COVID-19 pandemic on this study. Chapter IV details the relevant findings of the study. The theoretical frameworks, including a critical policy analysis of higher education laws, are discussed in Chapter V, emphasizing how laws impact reporting acts of sexual victimization

for Black women. Lastly, Chapter VI contains the analysis of findings, recommendations, and implications for future research.

## CHAPTER II: REVIEW OF RELATED LITERATURE

The voices and experiences of Black women related to the sexual victimization of college-aged women are often excluded from studies or extrapolated from Black women in studies conducted at predominantly White institutions (PWIs). Rarely do studies capture the experiences of Black women in the context of Black culture. Just as college campuses are microcosms of society, historically Black colleges and universities (HBCUs) represent the Black community, and the specific nuances of Black culture can be found within the HBCU campus. This study specifically targeted HBCU campuses to include the voices of Black women and explore the nuances of Black culture that act as silencing agents on reporting sexual victimization.

In this chapter, I explore the context of HBCUs and the unique cultural dynamics within Black culture on the HBCU campus, including misogyny, racial and gendered stereotypes, religion, the mandate to protect Black men, and slavery within the code of silence of Black culture.

### **Historically Black College and Universities (HBCUs)**

Most of the historically Black colleges and universities (HBCU) were established after the Civil War under land grants with the primary purpose of educating Black people (Higher Education Act, 1965). The Higher Education Act of 1965, as amended, defines HBCU as:

any historically Black college or university that was established before 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined



by the Secretary [of Education] to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation. (White House Initiative on Historically Black Colleges, n.d.)

According to the Thurgood Marshall College Fund (2015), there are 101 HBCUs across the nation. HBCUs are located in the following states: Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the U.S. Virgin Islands. Approximately 82% of the students enrolled at HBCUs are Black, and most campuses are in Southern states. Moreover, the percentage of females enrolled at HBCUs represents 61% of the total HBCU population in Fall 2017 (National Center for Education Statistics, 2018).

Despite the number of HBCUs, nominal research regarding sexual violence has been conducted with college-aged women, more specifically Black women, who attend them (Krebs et al., 2011; Lindquist et al., 2016). The unique intersectionality experience of Black women coupled with the importance of culture and community necessitate scholars to conduct more research on those campuses and with the college-aged women there. The Historically Black College and University Sexual Assault Study (Krebs et al., 2011) is a major study directly focused on Black women at HBCUs. Other smaller studies have relied on the data from this study (Crosby, 2014). The HBCU Sexual Assault Study utilized sexual assault victimization data from 3,951 undergraduate women at HBCUs. The findings indicate that approximately 9.7% of undergraduate women at HBCUs experienced an act of sexual violence, which is significantly lower than the comparable rate of 13.7% for undergraduate women at non-HBCUs (Krebs et al.,

2011). The lower prevalence rates directly correlate with the lower alcohol consumption rates at HBCUs (Krebs et al., 2011).

### **Culture Dynamics on HBCU Campuses**

Research suggests that variables such as socioeconomic status, cultural background, and age may influence the impact of violence on different groups of women (Ritchie, 2012). HBCUs provide an incomparable nurturing community environment for Black students, unlike PWIs (Lenning, 2017). Positive outcomes associated with attending an HBCU are documented and well-supported by research with Black HBCU graduates reporting greater satisfaction with college experiences and post-graduation preparedness than Black PWI graduates (Harper & Gasman, 2008; Lenning, 2017). Students who select HBCUs report high levels of support from faculty and administrators, intense mentorship relationships, and an overall campus climate of support and caring for students (Palmer & Young, 2012).

### **Black Culture within the HBCU Campus**

HBCUs have a dynamic and diverse culture influenced, among other things, by Black history, hip-hop, familial relationships, and religion. The culture of HBCUs is a microcosmic representation of the larger Black culture. HBCU communities provide an incomparable nurturing environment for Black students, unlike PWIs (Lenning, 2017). According to Gasman (2007), the main draws for many Black students to HBCUs are the empowering, family-like environment of small classes, nurturing relationships between faculty and students, lack of racial tension, and familial relationships among students. On the other hand, HBCUs are historically religious, conservative spaces that enforce rigid gender roles (Lenning, 2017). They have an extremely conservative culture fostered by their religious roots (Lenning, 2017; Mobley & Johnson, 2015).

Social movements like #METOO, #WeKnowWhatYouDid, #RapedAtSpelman, and #RapedInTheAUC have come to the forefront and are forms of political and civil resistance on HBCU campuses. Within the Atlanta University Center (AUC), which includes Spelman College, Morehouse College, and Clark Atlanta University, students believe that the colleges' administrations have been covering up issues of sexual assault for a very long time (Whaley, 2017). Students and activists are calling out campus police agencies and college administrators for failing to protect victims and hold perpetrators accountable. Black women must have a voice in reporting and resisting acts of sexual victimization. This level of resistance is the foundation of Black feminist thought that helps combat issues of misogyny for Black women.

### **Misogyny**

Misogyny is a common and widespread ideology that exposes the hatred or disdain for women (Adams & Fuller, 2006). The social hierarchy in patriarchal White supremacy dictates that men have power and women are powerless within the gender constructs, and Whites hold power while Blacks and other non-White people are powerless (hooks, 2015).

The objectification and marginalization of women are embedded in the frame of American society and its history of hatred toward women. America's founding documents set forth that "all men are created equal" (Declaration of Independence, 1776). Not to be mistaken for using masculine terminology as a general representation of a group, the founders intentionally excluded women. Women could not enter into contracts or hold title to property in their own names. While the ratification of the Equal Rights Amendment and the expansion of the equal protection clause in Supreme Court case holding provided women with more rights, the establishment of a patriarchal society set forth a system whereby women would be subordinate to

men and powerless. The social and legal subordination of women perpetuates discriminatory practices against women and fosters misogyny.

Misogyny is also used as a form of discipline to control women by enforcing and reinforcing gender roles. Moreover, misogynistic aggressions such as calling women pejoratives like bitch, whore, and slut are directly correlated to gender-based violence whereby women are beaten, raped, or seriously harmed by men (Graham, 2020). This hegemonic masculinity structure reproduces stereotypes about women and perpetuates a misogynistic culture that spills over into the portrayal of women in mass media, movies, and songs (Weitzer & Kubrin, 2009). Misogynistic lyrics can be found in almost every genre of popular music, whereby women are degraded or subordinated to men. While hip-hop is not the only music genre to perpetuate hegemonic masculinity and dominance over women, hip-hop is an integral part of Black culture and perpetuates violence against women.

### ***Misogyny in Hip-Hop***

Hip-hop emerged on the scene in the 1970s as a socio-political force that gave a public voice to disenfranchised minorities in urban areas. Hip-hop has called attention to the social, political, moral, and legal issues that plague minority communities. While several artists such as Public Enemy, Chuck D., KRS-One, J. Cole, and Kendrick Lamar continue to utilize hip-hop as a platform for social consciousness, hip-hop has morphed over the years into strictly a form of entertainment. Today, a considerable amount of hip-hop music played on radios is misogynistic, and the supporting videos objectify Black women as hypersexual objects (Rebollo-Gill & Moras, 2012). Literally translated, misogyny is the hatred of women. Within the context of this ideology, women are objectified as something that can be possessed by a man for his use and/or abuse (Adams & Fuller, 2006; Gourdine & Lemmons, 2011). This ideology of possessing the Black

woman's body is supported in history when enslaved Black women were presented to White male slave owners upon their request (Wolitzky-Taylor et al., 2011). Furthermore, in their critical analysis of hip-hop, Rebollo-Gill and Moras (2012) found that hip-hop plays a role in the commodification of Black sexuality, an integral part of the American racist hierarchy.

The history of Black sexualities, for example, includes “larger systems of institutionalized rape, sexual exploitation, commodification, stereotypes, stigma, and the selling of fear and promiscuity as ideologies justifying racial apartheid” (Rebollo-Gill & Moras, 2012, p. 121). Consequently, hip-hop constantly reinforces the stereotypes of Black women as *bitches*, *hoes*, and *baby mamas*. It feeds the ideology that if Black women always want and are ready for sex, then they cannot be victimized, raped, or forced to engage in sexual activity (Collins, 2000; Rebollo-Gill & Moras, 2012). Moreover, the haphazard lyrics about misogynistic violence towards Black women perpetuate a social environment that legitimizes sexual violence against Black women (hooks, 2004; Rebollo-Gill & Moras, 2012; Russell-Brown, 2004). Still today, hip-hop videos portray the Black woman's body as hypersexual with grossly exaggerated breasts and butts antithetical to modest and pure images of White women.

Gourdine and Lemmons (2011) conducted an exploratory study to examine youth perceptions regarding hip-hop, rap, and misogyny. They specifically wanted to look at how youth viewed the negative lyrics about Black females and what factors contributed to those beliefs. The study used the survey data from the violent-misogynistic subscale of the Rap Music Attitude and Perceptions (RAP) scale (Tyson, 2005). They found that age and listening habits (how long they listened to rap music per day) are important factors when examining youth's views of misogynistic content in hip-hop (Gourdine & Lemmons, 2011). The younger the participant, the more time he or she listened to hip-hop or rap. First, they found that those who

listened to rap music for less than 1 hour per day had more negative perceptions than those who listened more than 6 hours per day, as they had more positive perceptions. Importantly, the older participants listened less and had a more negative reaction to the misogynistic lyrics.

Interestingly, both males and females believed that women could do something to prevent the perpetuation of the negative images and that their failure to object to the negativity could be seen as implicit acceptance (Gourdine & Lemmons, 2011). This concept to me is akin to victim-blaming and shifts the responsibility onto women to correct their own objectification that a man caused. Nevertheless, these beliefs reinforce silence by women (Adams and Fuller (2006) and fail to recognize racialized misogyny as a part of America's consciousness. Accordingly, Hip-hop glorifies sexist, misogynistic, patriarchal ways of thinking and behaving, and reflects the prevailing values in our society. Such misogynistic attitudes act as the crudest and most brutal expression of sexism, and male dominance, which is necessary for maintaining patriarchal social order (hooks, 1994).

### **Race and Gender Stereotypes**

For Black women, racial stereotypes, and stigma, coupled with a long history of sexual victimization, have exacerbated their sexual assault experiences and affected their willingness to report sexual assault. To further complicate this issue, the commodification of Black bodies served to dominate and oppress slaves. For enslaved Black women, their legacy of abuse includes sexual exploitation and forced breeding. Their bodies were the property of White slave masters and were always readily accessible for any means and/or reasons (Tillman et al., 2010).

Historically racist narratives about the Black female body within social and legal systems suggest that Black women welcomed all sexual advances and always found sex pleasurable (Tillman et al., 2010). Additionally, negative stereotyping infused the belief that Black women

could not be victimized or legally raped (Tillman et al., 2010). Moreover, Black women who do report rapes are less likely to receive empathy, consideration, and judicial support than White women (Donovan & Williams, 2002). Rather, Black women are accused and blamed for inappropriate behaviors or dress. Moreover, the Southern Antebellum stereotypes of Black women as jezebels and matriarchs also served to reinforce rape myths and influence disclosure patterns (Donovan & Williams, 2002). Thus, reinforced racist images of Black women contribute to their exclusion, silence, oppression, and systemic marginalization.

Systemic racism continues to devalue and marginalize Black women. Socially constructed negative images of Black women, such as Mammy, Sapphire, and Jezebel, perpetuate fallacies about the Black woman. These stereotypes are used to classify and justify why Black women cannot be legally raped. Mammy is personified as an overweight, domestic, mother-like figure. She has grossly exaggerated features such as large lips, hips, and breasts. Mammy is unattractive and/or unsexual. The depiction of her role suggests that Black women should be subservient and submissive, and thus cannot be legally raped. Sapphire is the predecessor to the moniker “angry Black women.” She has a fierce tongue and tends to be emasculating or aggressive. Lastly, there is Jezebel, whose behaviors and personal characteristics gave White men implied consent and legal permission/reason to rape Black women. The modern-day Jezebel serves as a legal excuse for any man to rape a Black woman. Jezebel is the image of the sexually free and liberated woman who displays a hypersexual persona (Donovan, & Williams, 2002). “Contemporary Jezebels are referred to as welfare queens, hoochies, freaks, hoes, and hood rats. Although the names have changed, the message is the same: Black women are sexually available and sexually deviant” (Donovan & Williams, 2002, p. 98). Music videos, rap songs, movies, commercials, and magazines constantly reinforce images of sexually deviant

Black women and pervasively project generalizations about Black women (Donovan & Williams, 2002).

The stereotypes of sexually promiscuous Black women are used to justify the institutional abuse and violent acts that Black women received during enslavement at the hands of slave owners (Burrell, 1993) and that they still experience today (Terrell, 2016). Throughout history, ubiquitous racial and sexual stereotypes were used to justify the oppression of Blacks and established a dynamic myth that demonized Black women as sexually immoral and promiscuous (Burrell, 1993).

The creation of an image of the unvirtuous Black woman resulted in eliminating the perception of her veracity, thus suggesting that she is both unpure, unbelievable, and cannot be violated. “Because Black women are not expected to be chaste, then similarly, they are unlikely, to tell the truth” (Crenshaw, 1992, p. 1470). Generally, sexual assaults against Black women are viewed as less serious, prosecuted less frequently, and result in lighter sanctions (Burrell, 1993). The negative images associated with the bodies of Black women discredit her allegations of rape, make her allegations less believable and less important, and creates an insurmountable hurdle in a Eurocentric, racist, and sexist society.

Jezebel uses her sexuality to her advantage, to dominate men, and to get what she wants. The modern stereotype of Jezebel is the *sexualized bitch* that has sex with men for money, revenge, and/or pleasure (Collins, 2005). In the famous Duke lacrosse rape case (Phillips & Griffin, 2015), Crystal Mangum found herself epitomized as a modern-day Jezebel performing lewd acts of sexuality, clothed in provocative attire, and stripping for money. Because she was a Black woman, her Jezebel persona made her allegations against the three White players on the Duke Lacrosse team incredulous to the dominant group in America. Because of the entanglement



of racism, classism, and sexism, Crystal Mangum could not find support or solace as a victim of a heinous sexual assault. As a Black woman, she was unable to be victimized. The intersections of racism, classism, and sexism shaped the outcome of the Duke lacrosse case (Phillips & Griffin, 2015). Moreover, because she was a Black woman who made allegations against White men, she was presumed to be lascivious, promiscuous, and a liar.

The stereotypes of Black women also include the matriarch, whose role has negatively affected reporting sexual assaults on Black women. The Matriarch embodies the myth of the strong Black woman, who is independent, self-reliant, and self-sufficient (Donovan & Williams, 2002). Black women are perceived to be very resilient and strong. Thus, the reinforced social myth is that rape is either not traumatic or is less traumatic for Black women (Donovan & Williams, 2002). The experiences of Black women are tied intrinsically to race, and gender and those racist images of Black women have contributed to the silencing of Black rape survivors (Donovan & Williams, 2002). Racial identity, cultural affiliation, religious ideology, access to support, and traditional rape intervention methods impact the internalization of oppressive stereotypes of Black women. More work is needed to evaluate how these variables collectively influence Black survivors of sexual assault (Donovan & Williams, 2002).

The stereotypes about Black women extend to their bodies. The media portrays the Black woman's body as the epitome of hypersexuality, and these Black bodies are often deemed dangerous, inherently violent, undisciplined, out-of-control, and lacking morality. A Black woman's body is simultaneously a threat to herself and others (Evans-Winters, 2017). Sexual assault is a crime of power and control and serves as a form of discrimination and oppression in patriarchal societies. Sexual violence has also been a weapon against Black women and used as a mechanism to physically and politically repress them.

Sexual politics under patriarchy is as pervasive in Black women's lives as are the politics of class and race as "there is such a thing as racial-sexual oppression that is neither solely racial nor solely sexual, e.g., the history of rape of Black women by White men as a weapon of political repression. Rape is one of the most damaging manifestations of women's oppression" and has been used as a mechanism to maintain patriarchy through power and control. (The Combahee River Collective, 1995, p. 232)

The intersection of White supremacy and patriarchy operates to marginalize the uniquely situated experiences of Black women within American history and results in the sexist and racist exploitation of Black women by White men. Black women were exploited as property and thereby required to conform to the whims of White men. Society, therefore, ignored the sexual victimization of Black women because they had been deemed as not human or unworthy of protection (Kessel, 2021).

This power structure depends on the ubiquity and acceptance of rape myths that center White women as the victims and Black men as the perpetrators. In this mythical fantasy, White men do not commit rape, and Black women are not rapable.

### **Stereotyping Rape Myths**

The acceptance of rape myths, a false belief that minimizes victim injury or blames the victim for the assault, serves as justification for racial and gender domination (White et al., 1998). Rape myths that perpetuate stereotypes about Blacks have an impact on reporting. Statements that *Black men mostly commit rapes* or that *Black women are sexually promiscuous* are examples of rape myths that infer White racial dominance. "*She asked for it*" is an example of a male sex domination myth (White et al., 1998). Using racial identity and feminist identity models, White et al. (1998) investigated the acceptance of rape myths between Black anti-rape

activists and non-activists. They found that people used rape myths to justify both male dominance and White racial dominance. Race and gender consciousness (sociopolitical awareness) may be critical to countering rape myth acceptance for Black women. A Black woman, for example, might be less sensitive to rape as a feminist issue and more sensitive to rape as a racial issue depending on her identity orientation (White et al., 1998). This study highlights the important need for research that focuses on the impact that the intersectionality of race, gender, sexism, and classism have on sexual violence.

Few studies have investigated racial differences in the acceptance of rape myths. Carmody and Washington (2001) examined the impact of both race and prior victimization on rape myth acceptance. They found almost no statistically significant difference between Black and White college-aged women in their survey responses. They attributed this phenomenon to the prevalence of sexual assault education programs on college campuses. One specific myth, however, did show a statistically significant difference with more acceptance/support from Black women: *“If a woman gets drunk at a party and has intercourse with a man there, she should be considered ‘fair game’ to other men at the party who want to have sex with her”* (p. 433).

Carmody and Washington (2001) suggested that this variation supports the contention that Blacks may be more likely to question the validity of rape situations than Whites because of the historical persecution of Black men falsely accused of sexual assault. Moreover, this variance reaffirms the notion that there are cultural rape myths that create barriers to disclosure. Therefore, we need to examine how those myths translate on HBCU campuses and investigate more of their roles as barriers to better understand their impact, particularly in a misogynistic society (Carmody & Washington, 2001; Tillman et al., 2010).

## **Religion**

Religion is a major cultural component for Black families that concurrently reinforces misogynistic and paternalistic beliefs. Older generations expect Black women to remain chaste and suppress their sexuality; those who do not are categorized as “Jezebels.” This ideology is reinforced by phrases such as *Why buy a cow when you can get the milk free? Men do not marry loose women*, and *Good girls do not do it, but if they do, then they lie about it* (Thomas et al., 2009). Religion also reinforces the inferiority of women, chastity, wifely duties, and the ideal woman. “The more directly religion influences ... the lower the status of women and the poorer the treatment of rape victims” (Franuik & Shain, 2011, p. 784).

Black people have also embraced religion as a coping mechanism to their marginalization, and religion is a critical part of Black lives and survival, particularly in the South. Moreover, religion and religious spirituality have traditionally been heavily relied upon within the Black community to cope with and combat racial injustices. Spiritual reliance is used as a mechanism to deal with issues of oppression, injustices, and victimization (Thomas et al., 2009). Religion also influences the messages that Black women receive about sexuality during childhood. The messages are conservative and overwhelmingly influenced by Christianity (Thomas et al., 2009).

### ***Influence of Religion at HBCUs***

Religion has been a powerful influence on HBCU culture. Most HBCUs are located in conservative Southern regions, *Bible Belts*, or were established and supported by religious groups. Many HBCUs are affiliated with denominations widely recognized for their support in the African-American community—the various Baptist conventions, the African Methodist Episcopal Church, the United Methodists, and the United Church of Christ (Lomax, 2010).

Historically Black Colleges and Universities are among the 120 United Methodist Church (UMC)-affiliated schools, colleges, and universities supported in part by the church, including Bennett College for Women, Bethune-Cookman University, Claflin University, Clark Atlanta University, Dillard University, Huston-Tillotson University, Meharry Medical College, Paine College, Philander Smith College, Rust College, and Wiley College (Hawkins, 2012). In addition to the UMC schools above, the following HBCUs are or were affiliated with religious groups: Paul Quinn University, Morehouse, Xavier University, Livingstone College, Virginia Union University, Shaw University, and Oakwood University (Thurgood Marshall College Fund, 2015). Religion undeniably influences HBCUs, even public ones, as prayers and hymns grounded in Christianity are often recited at major campus events such as commencement ceremonies, Founders' Day, and athletic events (Lenning, 2017). The HBCU campus culture is strongly influenced by religion, misogyny, and the code of silence. Furthermore, these cultural factors may also impact how Black women report sexual assault, or worse, serve as barriers to reporting. While there is growing attention to improving societal responses to sexual violence on college campuses, the importance of culture on reporting must be addressed.

Based on the absence of current research information, further inquiries should be identified to understand the factors that specifically act as barriers to reporting sexual violence by Black women. Once we better understand the barriers to reporting sexual violence, efforts to remove the cultural stigmas should be employed. More effective reporting processes can be created to help increase the likelihood of Black women reporting sexual violence. While more legalized reporting structures have been implemented, identifying barriers for reporting sexual violence at HBCUs is especially important because their student populations are predominantly

Black females. Ironically, the dominance of Black women at HBCUs reinforces the mandate to protect Black men

### **Mandate to Protect Black Men**

Because of the destruction of Black men during Colonial slavery, Black women have embraced and attempted to protect Black men from White authority, even to their own detriment. The stereotype of the hypersexual, aggressive Black man, who most often lusted after White women, positioned Black women as the protector of Black men (Pollard-Terry, 2004). In this country, Black women have always come to the aid of Black men falsely accused of sexual assault (Pollard-Terry, 2004). The movie *Rosewood* was history. In 1923, a White mob destroyed Rosewood, Florida, after a Black man was accused of attacking a White woman (Peters & Singleton, 1997). Consequently, these repetitive events have made it extremely difficult for Black women to disclose when their perpetrator is another Black person (Pollard-Terry, 2004).

### ***Known Assailant***

The stranger lurking in darkness is a common misconception about rape. Some victims worry about the consequences of a criminal conviction for their rapist, such as being added to a sex offender registry for the rest of his life (West, 2002). Race further complicates this worry for Black women.

Approximately four out of five rapes (80%) are committed by someone known to the victim, including friends and intimate partners. Victims of sexual violence most often know the perpetrator and have had some form of interaction with them (Terrell, 2016). This is critical when considering the underreporting of sexual victimization on college campuses because the general observation is that acquaintances of the victim commit most acts of sexual victimization on college campuses. For intimate college settings, reporting acts of victimization against

individuals the victim knows can impact the relational and social connections with other individuals and isolate the victim, both socially and emotionally. There is a dyadic perspective of both a negative and positive impact on the relationship. If the victim and the accused know each other, the victim has a harder time reporting the assault due to fear of further retaliation from the offender (Romeo, 2004). Additionally, Black women who have been sexually victimized find it very difficult to disclose that the perpetrator was also Black, particularly when seeking help from someone who is not Black (Pollard-Terry, 2004). These dynamics attribute to rape being one of the most underreported crimes for Black women.

In addition to not reporting their known assailant, Black women have often come to the aid of Black men who have been falsely accused of sexual assault (Terrell, 2016). The movie *Rosewood* also highlights this type of situation (Peters & Singleton, 1997). In 1923, the predominantly Black town of Rosewood, Florida, was obliterated by a White mob after a White woman claimed that a Black man had attacked her. On January 1, 1923, Fannie Taylor, a White resident of Sumner, Florida, alleged that she had been assaulted by a Black man whom deputies believed to be Jesse Hunter, a recently escaped prisoner. Authorities believed that Sylvester Carrier, a resident of Rosewood, was harboring Hunter (Jones, 1997). Sarah Carrier, the matriarch of her family, mother of Sylvester, and employee of Mrs. Taylor, was working at the Taylor house on the day of the alleged attack. She disputed Mrs. Taylor's allegations as she had witnessed a White man leaving the Taylor household on the day of the alleged attack. Three days later, Mrs. Carrier died in a shootout trying to protect her son and other family members from a mob of White men (Jones, 1997).

In more recent news, female students at Spelman College, an all-female HBCU located in Atlanta, Georgia, have accused college administrators of failing to protect them against the male

students at Morehouse College. Morehouse College is an all-male HBCU located adjacent to Spelman College. There is a historical sibling dynamic between the two colleges. According to *Essence Magazine*, a Spelman student using the social media moniker @RapedAtSpelman, claimed that the dean told her “to give the men at Morehouse ‘a pass’ because they’re Spelman’s brothers” (Lewis, 2020, “Monday, May 2,” para. 3). By failing to investigate complaints of sexual victimization brought by the female students of Spelman College against the male students at Morehouse University, female students alleged that both colleges administrations aligned themselves with the mandate to protect Black men instead of protecting Black women victims. The failure to be protected reinforces silence in Black women.

In conclusion, every human being is worthy of respect and deserving of dignity (The University of North Carolina at Greensboro, n.d.). We must examine the systemic structures, policies, and procedures that perpetuate the assault and degradation of the bodies of Black women, of all women. With intentionality, we must understand how and why educational and legal systems have not rectified reporting sexual violence for Black women, particularly in the predominantly Black society within the HBCU. The intersectionality of the Black woman experience is achievable only when we can acknowledge and honor the differences in our races, genders, and ethnicities and better appreciate human understanding (The University of North Carolina System, 2020).

Further research will address the gap pertaining to the impact that the collective union of race and gender (Black woman) has on the complexities of reporting sexual violence. Better data will improve reporting processes, create culturally conscious support services, improve reporting protocol, improve interactions with campus law enforcement, and stimulate opportunities to improve campus health services to victims of sexual assault. Improvement in these areas can



create a positive ripple effect, thus, improving the interaction between races, the judicial system, and society.

### **Issues in Reporting Sexual Violence**

Very few acts of sexual victimization are reported across all racial groups. The Sexual Victimization of College Women (Fisher et al., 2000) study found that fewer than 5% of completed or attempted rapes were reported to law enforcement (Fisher et al., 2000). However, in about two-thirds of the rape incidents, the victim did tell another person, such as a friend, or a family member, not a college official (Fisher et al., 2000). According to the U.S. Department of Justice (2014), sexual assaults against students were more likely to go unreported than sexual assaults against non-students. Students reported only 20% of the assaults, while non-students reported 32% of incidents to law enforcement. Female victims who do not report incidents of sexual assault are not able to get the appropriate medical and psychological treatment (Ullman et al., 2008). Consequently, college campuses face a potential public health crisis, regarding emotional and psychological health, due to underreported sexual assaults (Ullman et al., 2008). With Black women likely reporting even fewer incidents, the impact of this impending crisis may be significantly more crucial at HBCUs, where the students are predominately Black women.

### **Underreporting of Sexual Violence by Black Women**

Much of the research about factors that influence the reporting of sexual assault by college-aged women is concentrated on White women, with few studies examining Black women (Crosby, 2014; Terrell, 2016; Wolitzky-Taylor et al., 2011). Thus, the experiences of Black women are excluded from the narrative of campus sexual assaults. There is a question of the generalizability of studies to infer Black women at PWIs to Black women at HBCUs because

their experiences are vastly different (Crosby, 2014). Moreover, data are limited by small overall study samples and small numbers of non-White students in general (Crosby, 2014).

Studies that do include Black women indicate that college-aged Black women have an even lower rate of reporting sexual assault to law enforcement (Wolitzky-Taylor et al., 2011). A national sample of college women reporting rape found that of the overall 230 women who reported rape, only 11.5% reported the assault to law enforcement, with many rapes on college campuses going unreported altogether (Wolitzky-Taylor et al., 2011). For those reporting, only a victim's race and injury during rape were significant factors in reporting. Minority status, i.e., being Black, was associated with a decreased likelihood of reporting (Wolitzky-Taylor et al., 2011). While this study found that minority status was associated with a lower likelihood of reporting, which is consistent with current trends, the researchers did not examine why minority status continues to be a factor. Of the 2,000 interviews conducted, Caucasian, non-Hispanic students comprised 76.5% of the population sample, and Black women were less than one-fourth of the sample. The study notes that due to the low frequency of minorities, participants were grouped dichotomously-Caucasian, non-Hispanic versus all other races/ethnicities (Wolitzky-Taylor, 2011). Both the small minority participation of the sample in the Wolitzky-Taylor (2011) study and the scarcity of research conducted solely about Black women who have been sexually assaulted further highlight the need for research that centers on the voices and experiences of Black women.

Approximately 55% of physically forced and incapacitated sexual assault survivors knew the perpetrator well or very well, with the most common assailants being classmates, fellow students, acquaintances, dating partners, or ex-dating partners and friends (Lindquist et al., 2013). These statistics, however, are not specific to Black women. For example, in examining

statistics from the National Center for Victims of Crimes, Olive (2012) found that 73% of female sexual assault victims knew their attackers. Thus, if the “prevalence of not reporting sexual assault to the police is not a matter of not being able to identify the perpetrator, [then] there must be alternate factors influencing women’s decisions and intentions to report a rape” (Olive, 2012, p. 2). Sexual assault, therefore, arguably continues to be the most underreported crime, particularly when the victims know the identity of their attackers.

### **Importance of Community and Culture in Reporting**

Racial and cultural identities have a notable impact on sexual assault disclosure for Black women (Carmody & Washington, 2001; Donovan & Williams, 2002; Tillman et al., 2010; White et al., 1998). Therefore, conducting research specifically at HBCUs will be critically important because much of the research data on Black college-aged women comes from studies of women, generally, at PWIs.

In a qualitative study based on grounded theory, Washington (2001) analyzed the disclosure patterns of Black female sexual assault survivors using Black feminist theory. She found that both internal and external community standards act in concert to discourage Black women from disclosing assaults or seeking assistance. She defined internal factors as those that originate within families and communities. The external factors are those that emanate from the dominant culture. In addition, the study identified that the following themes contributed to nondisclosure or belated disclosure: (a) inadequate or inappropriate sexuality socialization; (b) community of origin issues; (c) strong Black women and weak White women dichotomy; (d) historical and lived memory of a racist criminal justice system; and (e) White-dominated helping professions.

The results also revealed that the history of Black female victimization had a profound impact on whether Black women disclosed an assault. Additionally, the acceptance of the strong Black woman/weak White woman myth not only created an unrealistic expectation for Black survivors, but it also created a chasm between Black and White sexual assault survivors (Washington, 2001). The strong Black woman myth was more influential for Black women than their bond as survivors with White women (Washington, 2001). Culture and community are tremendously important when examining sexual assault matters related to Black women.

According to the American Civil Liberties Union (ACLU; ACLU, 2015), over 80% of survey participants believe police relationships with marginalized communities affect whether the police is called. Accordingly, perceptions of police bias against marginalized groups also influence reporting. Moreover, these perceptions are reinforced by the code of silence culture in the African-American community.

### **Black Feminist Thought**

Using Black feminist thought (BFT) as a theoretical framework allowed the research to identify and present from the Black woman's perspective, which is woefully absent in the literature around reporting acts of sexual violence. Most notably, it provided a much-needed opportunity for Black women to define and value themselves against the racial and gendered stereotypes that perpetuate sexual violence against Black women. Lastly, underpinning the research with BFT is how Black women deal with the discrimination inherent in acts of sexual violence.

According to Patricia Hill Collins (2000), there are four major themes in the assemblage of Black feminist thought, all of which originate from the Black woman's perspective (Collins, 2000; Taylor, 1998). First, Black women empower themselves by creating self-definitions and

self-valuations to repel negative images and reestablish multiple positive ones to control Black womanhood narratives (Collins, 2000). Second, Black women dismantle interlocking structures of race, class, and gender oppression. Third, Black women knit together intellectual thought with political activism. Lastly, Black women embrace their cultural heritage to resist daily discrimination (Collins, 2000). Black feminism is a self-conscious struggle, and Black women need to be empowered on their own terms (Collins, 2000).

Black women's resistance to oppression undergirds the impact of BFT on sexual violence against Black women. Racial and sexual stereotypes about Black women permeate media, movies, videos, and social media platforms. These tropes, however, were borne out of the social construction of race whereby racism is used as justification for sexual violence against Black women (Collins, 2000). Stereotypes about Black women served as an excuse for the master's sexual tirades and the colonizer's desire to dominate everything, including Black women. Consequently, Black women were labeled lewd, lascivious, and salacious Jezebels or unattractive asexual mummies (Collins, 2000). Whether a hypersexual, social deviant, or an unattractive mother-figure, these stereotypes ensured that Black women would not be protected against acts of sexual victimization. Black women were considered unrapable by social and legal standards and therefore afforded no protection against heinous acts of violence.

Using BFT, Black women can push back on negative stereotypes and reframe the narratives regarding their identities. For example, Sapphire, the stereotypical sharp-tongued, defiant Black woman, has been embraced by Black women, and Black women have reincarnated this stereotype as the lauded strong Black woman. Jezebel, the lewd, lascivious whore, is the embodiment of sexual freedom within BFT. Nevertheless, Black women are faced with the

trifecta of intersecting oppressions, namely race, gender, and social status (Crenshaw, 1991). Crenshaw (1991) expounded on the complexities of intersectionality using critical race theory.

### **Critical Race Theory**

Critical race theorists openly acknowledge that racism is an endemic and permanent aspect of Black people's experiences, influencing political, economic, and social aspects of U.S. society (Solórzano & Yosso, 2002; Delgado, 1995; Delgado Bernal & Villapando, 2002). Solórzano and Yosso (2002) contend that the Eurocentric versions of U.S. history exposed race as a socially constructed concept established to distinguish racial groups and show one group's superiority over another. Critical race scholars recognize that racism is not a random isolated act and is naturally ingrained in U.S. society (Delgado, 1995; Solórzano & Yosso, 2002). Often unrecognizable or invisible to most individuals, racism is accepted as the status quo. When racism is invisible, individuals believe it no longer exists or is connected to a specific isolated incident (Lopez, 2003).

Critical race theory (CRT) is an outcome of a racist legal system established to challenge dominant systems of racial oppression. It emerged as a form of legal scholarship and a measure to understand how White supremacy and its oppression of non-Whites had been established and perpetuated (McCoy & Rodricks, 2015). In doing so, race and racism were placed at the center of scholarship and analysis by focusing on such issues as affirmative action, racial districting, campus speech codes, and the disproportionate sentencing of Blacks in the U.S. criminal justice system (McCoy & Rodricks, 2015). There are seven main tenets of CRT: (a) the permanence of racism; (b) experiential knowledge (and counter-storytelling); (c) Interest Convergence Theory; (d) intersectionality; (e) Whiteness as property; (f) critique of liberalism; and (g) commitment to social justice (Lopez, 2003).

Critical race scholars recognize that the lived experiences of Blacks and other people of color have value, are legitimate, and appropriate. Moreover, these experiences are critical to understanding, analyzing, and teaching about racial oppression in society (Solórzano & Yosso, 2002). Accordingly, counter-storytelling provides a voice to historically marginalized people and serves to illuminate and critique normalized dialogues that perpetuate racial stereotypes (Solórzano & Yosso, 2002).

The dominant culture in the United States is White, male, middle class, which serves as the standard cultural norm. Blacks and other non-Whites are often portrayed as outsiders, deviants, or criminalized (Iverson, 2007). Through social constructs, Black women have been castigated as sexually deviant. Their actions are viewed as criminal, violent, anti-social, anti-authoritarian, and socially deficient compared to their White peers. These reinforced stereotypes create implicit bias. CRT acknowledges the existence of racism in campus judicial proceedings and the deficiency-based beliefs about Blacks but “anti-discrimination law has been indifferent to the condition of the victim; its demands are satisfied if it can be said that the ‘violation’ has been remedied” (Delgado, 1995, p. 29; see also Solórzano & Yosso, 2002).

Racism is an endemic and permanent aspect of Black people’s experiences, influencing political, economic, and social aspects of U.S. society. It is so ingrained in U.S. society that it seems natural and is often unrecognizable or invisible to most individuals. When racism is invisible, individuals believe it no longer exists or is connected to a specific “isolated” incident (Lopez, 2003).

### **Intersectionality: Invisibility and the Influence of Race and Gender**

Black women comprise a unique demographic due to structural intersectionality, which is how race and gender impact our economic, social, and political worlds (Crenshaw, 1991).

Crenshaw (1991) explored the impact of race and gender dimensions of violence against women of color. The intersecting patterns of racism and sexism impact the experiences of Black women and other women of color. Feminist and antiracist discourses create an either/or proposition for Black women and further marginalize them because they are both (Crenshaw, 1991).

Consequently, the unique cultural and social devaluation of Black women further complicates issues of sexual violence and the treatment of Black women victims. Accordingly, research, programs, and resources must be targeted directly to Black women to reach them in their marginalized physical and cultural positions in the dominant society (Crenshaw, 1991).

Unfortunately, the discourse around Black women is minimal. Critical race feminists focus on the intersection of race and gender, emphasizing the anti-essentialist premise that women of color are not simply White women with the added factor of race or men of color with the added factor of gender (Wing & Willis, 1999). They call for a deeper understanding of the lives of women of color based upon their multiple identities (Wing & Willis 1999).

It is within this intersectional space that Black women have become invisible.

Mainstream civil rights discourse centers around the experiences of Black men, and mainstream feminism embodies the experiences of White women as the paradigm (Delgado, 1995).

Crenshaw (1991) and hooks (1994, 1995) argue that Black women are often discriminated against in ways our current justice system cannot address, which often renders Black women legally invisible with no recourse. The argument is derived from critical race feminism and Crenshaw's concept of intersectionality, which recognized that the intersection of both race and gender compounded and created multiple dimensions of the Black woman's experience.

Accordingly, the economic, social, and political experiences of Black women are differently and profoundly unique.



In the context of sexual violence, Black women are less likely to get adequate resources when victimized. In addition, acts of rape tend to conjure racist and sexist images of Black men attacking White women rather than assaults perpetrated against Black women. Intersectionality highlights the discrimination against Black women when evaluating criminal sentences of sex offenders. In Lafree's (1989) study, the data analysis showed discrimination against Black women because White men can rape them with little or no sanction (Crenshaw, 1991). The study also revealed that White men who raped Black women were not punished at the same level as White men who raped White women or Black men who raped White women (Lafree, 1989). Nevertheless, men who rape Black women are less likely to be charged and/or convicted than men who rape White women (Crenshaw, 1991).

Black women are often forced to separate loyalties as a social conflict is presented as a choice between identities (Delgado, 1995). Consequently, the intersectional identity of Black women forces them to be either Black or woman, thereby marginalizing them in both categories (Delgado, 1995). As a result, Black women have experienced centuries of sexual violence, often with no legal recourse, with sexual stereotypes emerging to justify the behavior (Terrell, 2016). Repeated victimization of Black women by White men during the slave era was "rationalized by stigmatizing African women and girls as sexually uninhibited, unvictimizable" and therefore reinforced the destructive race myth that Black women could not be sexually victimized (Tillman et al., 2010, p. 60). Tillman et al. (2010) also identified intrapsychic/cross-cultural barriers, systemic barriers, and culture-specific barriers that inhibited disclosure of sexual assault by Black women, including but not limited to: rape myth acceptance, degree of self-blame, secondary revictimization, racist and stereotypical images of Black women's sexuality, prior

negative interactions with legal medical and social service agencies, and cultural mandate to protect Black male offenders.

For centuries, Black women have faced the world under the auspices of double jeopardy, marginalization by race and gender; and triple jeopardy, burdened by the oppression of race, gender, and socioeconomic status (Collins, 1990). During slavery, double jeopardy was visible by the expressions and applications of the legal system. As a slave, Black women were subject to the law but not protected by the law (Higginbotham, 1992). Black women could face criminal charges and sanctions for breaking the law but could not seek justice as victims. The bifurcated design of the colonial justice system kept slaves submissive and powerless, which resulted in the presumed justice for Whites and overt injustices for Blacks (Higginbotham, 1992). Even today, Black women still do not possess the privilege of social or economic freedom and often find themselves submissive in overpowering situations. The phenomenon of double enslavement produces discrimination because she is both Black and a woman.

Anna Julia Cooper eloquently posed that Black women faced both a gender and a race problem (King, 1995). Mary Church Terrell elaborated on the dual oppression of both race and gender when she wrote, “Not only are colored women ... handicapped [because] of their sex, but they are almost everywhere baffled and mocked because of their race. Not only because they are women, but because they are colored women” (as cited in King, 1995, p. 294). The dualistic oppression creates a unique place in America for a Black woman, and she is often found at the bottom with a social status lower than all other racial groups. Consequently, unlike all other racial groups, there are no groups that the Black woman can politically, socially, or economically oppress in the Black/White, male/female binary paradigms; thus, Black women are not conditioned to be an oppressor (hooks, 1995).

White women may oppress Black people. Black men may be victimized by racism, but sexism allows them to act as exploiters and oppressors of women. White women may be victimized by sexism, but racism enables them to act as exploiters and oppressors of Black people. (hooks, 1995, p. 281)

Black women are socially and legally invisible and thereby subject to continuous oppression and objectification.

Adams and Fuller (2006) describe racialized misogyny as a part of America's consciousness that has a profound effect on the inner psyche of African Americans as it feeds off not only hatred of women but hatred toward Blackness and serves as a two-edged sword. Consequently, Black women are exceptionally vulnerable and can neither hide in the privilege of maleness or the power of Whiteness. This study will remove Black women from the margins of research by situating them in the center of a discussion about reporting acts of sexual violence at HBCUs and give a voice to their experiences.

### **Voiceless Invisibility**

The voiceless invisibility of Black women sparked Black feminism and the call for resistance (hooks, 1994). Black feminism declares the visibility of Black women. There are several tenets associated with Black feminism. Scholars of the theory assert self-determination as essential; challenge the inter-structure of the oppressions of racism, sexism, and classism; and assume Black women to be powerful and independent subjects (King, 1995). Black women have not traditionally accepted the roles of passive victims or willing accomplices to dominance. Accordingly, Black women typically adopt a collective identity and see themselves and their environments differently than what social order articulated (Collins, 2000).

Black women are rarely consistently visible—positively or negatively—in media or popular culture (Collins, 2005; hooks, 1994; Wooten, 2017). Black women who have publicly reported acts of sexual violence in high-profile cases manifest a hypervisible/invisible paradox. An examination of the Duke Lacrosse Rape Case (Phillips & Griffin, 2015) found an overarching pattern of erasing Black women as subjects in public discourse to instead stage them as denigrated objects following dominant logics (Phillips & Griffin, 2015). They also found that regarding sexual violence, this pattern manifests via widespread assumptions. Such assumptions are that Black women make false allegations of sexual violence, which result in the dismissal of Black women’s perceptions of violence and victimhood. These assumptions also promote indifference toward the sexual violation of Black female bodies (Collins, 2009; hooks, 1992; Wooten, 2017). These behaviors were prevalent in the Mike Tyson/Desiree Washington case and the Clarence Thomas/Anita Hill case.

Consistent with critical race theory and Black feminist thought, Black female victims have been legally invisible throughout history, thus resulting in a paradigm shift of more vocal and vigilant Black feminist theorists. This study aims to give a voice to Black women who have experienced acts of sexual victimization.

### **Summary**

This chapter discussed the current research about the unique aspects of Black culture that may impact whether Black women will report acts of sexual victimization. These cultural factors are embedded within the Black community, replicated on HBCU campuses, and contribute to the silencing of Black women. More research about Black women is needed because most current research is centered around White women at PWIs. Additionally, this chapter discussed the state and federal laws that influence reporting.

In Chapter III, I discuss the methodology used in this study, including the limitations imposed by the onset of the COVID-19 pandemic and the resulting adjustments to the research methodology.

## CHAPTER III: RESEARCH METHODOLOGY

The purpose of this study was to identify and examine the cultural barriers to reporting acts of sexual victimization for Black women on HBCU campuses. Qualitative interviews blended with critical policy analysis and textual analysis underpinned by BFT and CRT were employed. Narratives are accounts of people's lives and speak to the telling and retelling of stories in our own lives (DeCuir-Gunby et al., 2019). This methodology was appropriate because it allowed participants to share their own experiences, and these experiences were used to examine critically sexual discrimination policies. This chapter will describe the methodology and how it morphed during the study.

### **Initial Methodology**

The initial study design was to conduct semi-structured, face-to-face interviews with 10 college-aged Black women. This number of participants was consistent with recommendations by Rossman and Rallis (2017). An interview study is a qualitative inquiry whereby interviews are the primary mode of inquiry. There are various types of interview studies driven by varied research purposes and the theoretical perspectives of the researcher (Bhattacharya, 2017). The following HBCUs were identified as possible sites for interviews; Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, and Winston-Salem State University. All universities and colleges that were not HBCUs, the University of North Carolina at Pembroke, and Winston Salem State were excluded from the study. It should be noted that although the University of North Carolina at Pembroke is designated as a Minority-Serving Institution (MSI), participants were not selected from this campus because it is not an HBCU and was initially established to train the American Indian and Native American population. Winston-Salem State

University is an HBCU but was excluded from the study because of a conflict of interest. During the time of the interviews, I was employed at WSSU; therefore, no students were selected from WSSU. The initial study design called for a thematic qualitative analysis of the interviews and reporting those findings. IRB applications were submitted to North Carolina Central University, North Carolina A&T State University, Fayetteville State University, and Elizabeth City State University. The IRB process is discussed later in this chapter.

For this study, I examined factors that participants say influenced their decisions of whether to report acts of sexual violence. Face-to-face interviews allowed me, as the researcher, to directly engage in dialogue with participants to hear their lived experiences. These interviews also served to (re)center their stories, combat issues of invisibility, and amplify their voices regarding why they, as Black women, decide whether to report acts of sexual violence. I was also interested in how participants define and describe how culture, personal experiences, and personal relationships work together to influence their unique experiences for reporting acts of sexual violence as Black women. Specifically, interviews allowed me as the researcher to hear their stories about the barriers to reporting acts of sexual violence on the campus of HBCU. It is important to note that this study focused on reporting an act of sexual victimization and not sexual victimization or its impact on the participant.

A qualitative research design was used to explore these issues. Each interview was scheduled for up to 90 minutes, and participants were interviewed once. The interviews consisted of open-ended questions to provide insight into why Black women at HBCUs decide whether to report acts of sexual violence. The goal was to produce information that could provide insight into reporting barriers for Black women at HBCUs. For this study, interviews were appropriate because they allowed participants an opportunity to share and define their own experiences.

Freire (1968) suggested that the oppressed must be allowed to share their own experiences. Due to the nature of this type of information, data cannot be collected through observation.

### **Settings**

The setting for each interview was on the campus of the HBCU where the student attended. This decision was made to provide more accessibility for participants. For an additional layer of privacy, each student chose to be interviewed in a campus building where sexual and domestic violence resources are housed. Participants selected this location for the interview because they were familiar with it and the staff who worked in that area. This helped create an environment that was comfortable and the most conducive for discussions of sensitive information. It was imperative that participants felt safe and empowered when discussing reporting because the conversation could trigger them and is connected to a difficult situation. Participants had the option not to have the interview at their college or university and could be interviewed on the campus of another HBCU within North Carolina. However, none of the participants chose to be interviewed beyond the boundaries of the campus.

The HBCU campus setting was a critical factor in this study because the primary focus was on Black women at HBCUs and not PWI campuses. The respective IRB Committees of two HBCUs approved the study. Due to the low number, the participating HBCU is not identified in this study; however, it is a state-supported, public institution and classified, at a minimum, as a “Master’s Colleges and Universities/Larger Program” under the Carnegie Classification System housed at Indiana University Bloomington’s Center for Postsecondary Research. A Master’s College designation generally includes institutions awarded at least 50 master’s degrees but less than 20 doctoral degrees during the classification year.



As a former member of an alliance between HBCUs and a statewide nonprofit agency that provides advocacy and education to address issues of sexual assault, I worked collaboratively with a colleague who was actively engaged in research and work regarding sexual violence prevention to identify participants who would be willing to be interviewed.

### **Recruitment**

Once approved by the IRB Committees, I contacted my professional colleague to assist with the participant recruitment. I provided a copy of the IRB approval from the participating campus and UNCG to my colleague. This colleague held a position that give her direct access to female students who had received or may need services and/or resources due to experiences with sexual violence. On the HBCU Campus, my colleague sent an email communication about my study to several Black women on the HBCU Campus, who had prior experiences with sexual victimization. The email contained the recruitment announcement and my contact information. To prevent the apprehension of revictimization, my colleague iterated to participants the purpose of the study was to obtain information about the barriers and was not an interview about the facts or circumstances of their victimization.

Individual participants contacted me directly to express their interest in participating in the study. Additionally, interested participants received direct communication from me regarding the study, including a copy of the IRB-approved *Recruitment Announcement and Script* and *Consent to Act as a Human Participant* form. The parties scheduled a day, time, and location for the interview based on the participants' availabilities and preferences. I conducted three interviews on February 25, 2020, and the fourth on March 6, 2020, on Campus 1.

## **Participants**

The research participants consisted of four Black women who were at least 18 years of age and currently enrolled at one of the HBCU campuses identified as possible research sites. Individuals who fit the criteria were selected to participate. These individuals had received prior services and support for sexual victimization but did not report to law enforcement. Participants were identified using referrals from professional colleagues, snowball sampling, and self-referrals (Wiersma & Jurs, 2009). Interviews took place in a reserved private meeting room on the participant's campus, at a mutually agreed upon location, to provide a safe and secure environment where the risk of their information being heard was minimized. To reduce the participants being revictimized, they could request another location on an HBCU campus, but none opted for an alternate location.

The interviews began with semi-structured questions for each participant. Semi-structured interviews allowed the participants to elaborate on their experiences, beliefs, and views on factors that hindered reporting sexual assaults on an HBCU campus. The initial questions that I asked served to create a rapport, a sense of security, and trustworthiness for the participants. Moreover, my experience with depositions and interviews helped me to understand when participants do not feel safe. I also understood that each interview would not flow in the same manner, and follow-up questions during the interview were based upon the participants' responses. I further understood that an additional follow-up interview might be required depending on the richness of the discussion and the amount of information the participants were willing to share. Because participants on Campus 1 were selected through the snowballing process described above, I decided to remove the validating question, "Have you ever experienced an act of sexual victimization?" based on the non-verbal response of the first

participant. The question made her visibly uncomfortable, and she took a long pause before she responded. Knowing that each of the participants from Campus 1 had received services and support for acts of sexual victimization, I eliminated that question.

### **Institutional Review Board (IRB) Processes**

The Institutional Review Board (IRB) application was approved by The University of North Carolina of Greensboro, which was a requirement because my study included human subjects sharing protected information (see Appendix A). Each participant was required to verbally acknowledge consent to the Consent to Act as a Human Participant form (see Appendix B) before participation in the study. The consent acknowledgement was recorded and transcribed at the beginning of the interview process. They were also allowed to ask any questions they had regarding the study and the process. Lastly, I advised the participants that they could discontinue their participation in the interview at any point without penalty or retaliation.

Because the University of North Carolina is a system, I presumed that the other applications would readily be approved once the IRB at UNC-Greensboro approved the study. Herein lie the limitations. The UNC System has five HBCUs. Winston-Salem State was excluded as a potential study site due to a potential conflict of interest as my employer. I submitted IRB applications to the remaining four. The study was approved at two universities. One university denied the initial request for an exempt review. It required a full board review with the following requirements for approval: (a) "Please remove 'JD' from your documents as this title can be construed as 'authoritative' to the population you are seeking to recruit, and in this context, you are a student;" (b) You have not identified a point-of-contact here at (unnamed campus) that is willing to work with you;" and (c) "We would recommend that you have a trained counselor present during these sessions." Another institution required, among other

things, that one of its faculty members must sponsor my research study. Universities are not named due to the small sample. According to the IRB Chair at one HBCU, the institution was not amenable to participating in the study in light of potential legal claims related to the allegations of sexual victimization.

### **Benefits and Risks of the Study**

Participants were neither paid nor received a stipend for their participation in the study. The decision was made to avoid the appearance that the information was skewed, that the participants' information was not authentic, or that they had been prompted in any way. During the interview, participants were offered food as a meal or a snack, up to \$15, from an on-campus commercial vendor during the interview session.

Sexual violence can have long-lasting physical, emotional, and psychological effects on its victims. These effects include but are not limited to post-traumatic stress disorder, depression, anxiety, and traumatic memories (Rape, Abuse, and Incest National Network [RAINN], 2019). Most importantly, participants in studies regarding sexual victimization may suffer from memory and emotional triggers, feel threatened or otherwise uncomfortable, and/or may experience various physical, emotional, or psychological effects when being interviewed. These discussions had the potential to awaken feelings of distress and despair among participation. Consequently, I wanted to ensure that participants were emotionally and psychologically supported during and after the interviews to mitigate these risks. To better prepare myself, I worked with a licensed professional psychologist who provided me with helpful information before the interview sessions to better support the participants.

Additionally, supportive resources and information about each respective campus referral process were available at each interview session. Information about free, local free counseling

services from the North Carolina Coalition Against Sexual Assault (NCCASA) and pertinent toolkits from sexual assault advocacy groups, such as #METOO, were available at each interview session as an immediate resource to participants. Before the interviews, I determined that interviews would be paused or terminated if participants appeared to be in distress based on my observations and that interviews would not resume without the verbal consent of the participant. Additionally, participants had the option to pause or terminate interviews upon their request. No participants paused or terminated interviews.

Each participant's confidentiality was protected to the extent provided by law. Although voices are personally identifiable information, I used audio rather than video to help shield identities. I did not ask participants to disclose their names or provide any other personally identifiable information during the interview recording. Personally identifiable information inadvertently disclosed by participants was omitted or redacted from the transcripts. Each participant was asked to acknowledge and give verbal consent to the attached Informed Consent form for human subjects. Recorded acknowledgements were retained per the doctoral record retention policy.

### **Key Concepts**

The purpose of the study was for Black women to self-identify the barriers to reporting acts of sexual violence on HBCU campuses. I was keenly interested to know if any of the barriers were specific to Black women. Sexual victimization was defined as a precursor to the interview to ensure that the interviewee was operating from a common point of reference. For this study, the definition of sexual victimization refers to physical touching or sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents

the student from having the capacity to give consent) (U.S. Department of Education, 2014). Numerous acts fall into the sexual violence category, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. All such acts are forms of sexual harassment covered under Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq., 34 CFR Part 106).

### **Data Collection**

With the requisite permissions, data were collected via a conversational method using interviews. The participants were asked to discuss their perceptions of various barriers to disclosure, including questions about cultural norms, racial stereotypes, and religious beliefs. A copy of the interview protocol is attached as Appendix C. The interviews were audio-recorded, and I kept field notes during the interview, noting anything that would not be captured in the recording. For example, a participant may look down or away when a question is asked. These observations were important to note to help me, as the researcher, further understand the nonverbal body language; such information added to the thick, rich description. Data were collected on two devices: an iPhone and a digital audio recording device. Interviews took place in person in a privately reserved meeting room located on campus. A professional transcription service was hired to transcribe the dialogue from all interviews. The transcriptionist assigned to my study executed a confidentiality agreement before being given access to raw data. Transcribed data were reviewed for accuracy and completion. Transcripts were emailed using an encrypted link directly from BOX. Participants were asked to review and authenticate the transcript as recommended by Rossman and Rallis (2017). Additionally, participants were asked to verify that their transcript accurately represented the discussion and what they intended to communicate during the interview. Transcriptions were coded to identify any prevalent themes.

## **Disruption of Data Collection and Limitations of COVID-19**

The COVID-19 pandemic of 2020 disrupted the original study design and required modifications. In March 2020, during the middle of my data collection phase, the University System required the campuses to extend spring break for its students. The extension was put in place to allow normalcy to return to campuses and the nation in general. However, before the 2-week extended spring break expired, the University System directed all campuses to shift to remote operations. Students were allowed to return only to retrieve personal items unless an exception was granted. Staff and faculty shifted mainly to remote workstations unless their job was classified as essential. The Vice Chancellor of Research and Engagement for the University of North Carolina at Greensboro issued a memorandum suspending in-person research. The abrupt changes to campus operations across the University System and UNCG hijacked my methodology and field work in progress. The world went into hibernation, and meetings could only take place in virtual settings.

Due to the sensitive subject matter and the need to establish a rapport with the participants, face-to-face was the best method. Virtual meeting spaces would not allow for the same level of interaction and would inhibit my ability to understand the participants' feelings and limit my ability to read and interpret other nonverbal communications. After consulting with my dissertation advisor about the challenges that the virtual space created for my data collection, a revised approach to the study design and data collection and analysis process was developed.

### **Revised Methodology**

The revised study uses narratives to blend critical policy analysis with textual analysis underpinned by BFT and CRT. This approach highlighted the nuanced ways in which Black culture intersects and interacts with the Title IX Act and campus administrative processes for

reporting acts of sexual victimization (Vasquez Heilig et al., 2012). Data were gathered using this revised model by conducting semi-structured face-to-face interviews with four college-aged Black women. At the time of the interviews, participants were currently enrolled students at historically Black colleges or universities located in the southeast, including North Carolina.

The purpose of the interviews was to explore the participants' lived experiences and utilize the textual analysis data as supportive evidence for the policy critical analysis. Textual analyses of interview data were blended into the policy analysis as a critical approach to amplify the silent voices of Black women who are often marginalized in research (Iverson, 2007).

### **Data Analysis**

All transcribed interviews were read multiple times and analyzed for themes that revealed the perspectives of Black women at HBCUs about reporting acts of sexual violence. I used the seven-step process adopted by Marshall and Rossman (2006) in “(a) organizing the data; (b) immersion in the data; (c) generating categories and themes; (d) coding the data; (e) offering interpretations through analytic memos; (f) searching for alternative understandings; and (g) writing the report” (p. 156). Data went through the second cycle of coding as recommended by Rossman and Rallis (2017). Data reduction, data cleaning, and elimination of data outliers that occurred (Rossman & Rallis, 2017).

Coding is the process of sorting and defining to identify themes, patterns, and linkages (Glesne, 2016). Data were coded and categorized by themes for an analysis using critical race theory and Black feminist thought. While qualitative data analysis software may be used to assist with data retrieval and visual representations of coded hierarchies, I did not utilize software to assist with coding (Glesne, 2016). Each transcribed interview was reviewed at least five times. First, the data were analyzed for themes and patterns evidencing disclosure of barriers for



reporting acts of sexual violence. Different-colored markers or symbols were used to color-code and notate keywords or concepts. Next, data went through the process of reduction (Rossman & Rallis, 2017). Concepts or keywords were grouped and then further refined into subgroups. Finally, the relationships among the themes were theoretically organized (Glesne, 2016). I repeated this process until as many themes as possible regarding barriers to disclosure of sexual assault were identified. Outlier data not relating to barriers of sexual assault were eliminated and not considered. The analysis and results of the study are presented in the Findings.

The next part of the data analysis process included the method of policy discourse analysis, through the critical race theory lens. This methodology was used to examine the ways in which the newly revised Title IX policy could be impacted by the previously identified cultural themes. This blended methodology integrated the ways in which both sets of data intersect to illustrate a more prominent perspective (Allan, 2003).

Critical race theory (CRT) views racism as a central part of how society is organized and governed (Parker, 2003). As such, critical race theorists situate race at the center of policy analysis to illustrate the implication that seemingly race-neutral policies have on Blacks. Critical race theory seeks to expose these types of color-blind policy initiatives as clear manifestations of racial discrimination. The critical race legal position challenges the dominant racial ideology through law and seeks to use the power of the courts to “further the goal of eradicating the effects of racial oppression” (Crenshaw, 1988, p. 1341; see also Parker, 2003). It is important to note that a critical race theory policy analysis deals with a critical and fundamental question of identifying and examining *who* will benefit from the policy changes.

The use of CRT as an analytic lens challenges preconceived notions of race and confirms that scholars and practitioners must listen to those who experience racism, sexism, and classism

to counter the dominant discourses circulating in educational practices (Delgado Bernal & Villapando, 2002; Iverson, 2007). CRT can also expose forms of racial inequality in practices assumed neutral or objective. The racial experiences of White people should no longer be the normative standard for higher education policies and practices. Blending critical approaches to policy analysis with methods of textual analysis invites researchers to focus on silences and exclusions, giving voice to those in the margins (Iverson, 2007). The analysis revealed two categories: (a) Breaking the Code of Silence; and (b) Pseudo-courtrooms that are discussed in Chapter Five.

### **Role of Researcher/Subjectivities**

I am trained academically and professionally as an attorney, which creates both strengths and weaknesses as an interviewer/facilitator for qualitative research methodology. As such, my dominant strengths are the ability to inquire, build rapport, generate spontaneous questions, facilitate dialogue, and identify nonverbal cues. However, the prominent weakness was the struggle to facilitate an inquiry using open-ended questions that allowed the interviewee or participant to respond with unrestrictive responses. Attorneys are professionally trained to ask closed-ended questions that typically yield a “Yes” or “No” type of response. We are also trained and conditioned to ask questions to which we know the answer or have a strong sense of the response based on the preliminary evidence. Attorneys do not often use open-ended dialogue that immediately leads to an answer, and we are trained to reach a definitive conclusion. To compensate for this weakness, I was aware of the question and used the opportunity to rephrase questions and eliminate a presumptive response. The interview process improved with each participant as I learned from each interaction and strengthened my open-ended questioning skills with each interview.

My personal biases and experiences as a Black woman could have affected the process, data collection, and data analysis. To engage in an authentic relationship and critical discourse, I participated in purposeful disclosure by sharing some of my lived experiences with the participants. To manage my biases and refrain from influencing the participants, I monitored how I engaged in the process and allowed the participants to drive the dialogue. For example, when participants asked for my opinion, I redirected them to ask what they thought. I also refrained from making participants feel their answers were incorrect and/or not valid and constantly encouraged them to speak their truth because there was no right or wrong answer, just their own lived experiences. Moreover, I identified any biases or situations where my experiences influenced any portions of the interviews and results in the final research analysis.

### **Trustworthiness**

Lincoln and Guba (1985) adapted the concept of trustworthiness for evaluating qualitative research studies. The trustworthiness framework is comprised of the following variables: (a) credibility (truth); (b) validity; (c) dependability (applicability); (d) transferability (consistency); and (e) conformability (neutrality) (Billups, 2014; Lincoln & Guba, 1985).

Due to the nature of the study and the potential impact for trauma, trustworthiness was initiated using a campus liaison that had a preexisting, trusting relationship with each of the participants. Because they had formed a trusting relationship with her, the participants trusted her recommendation to participate in the study. My prior relationship with the liaison also created a nexus of trustworthiness and validation from them to me.

In addition to using a liaison to connect with the participants, I also wore casual clothing attire reminiscent of a college student to each interview. My attire was blue jeans and a sweatshirt, which helped reduced the concept that I was a university official or someone in

charge. For the majority of the interview, I spoke in Black vernacular, slang, and without regard to sentence formalities. For example, in my professional speak, I am mindful and conscientious of dangling prepositions in my speech. For these interviews, I allowed the casual language to move the conversation.

### **Credibility**

All interviews were recorded using two electronic audio recording devices, an iPhone and a digital recorder. Each recorded interview was transcribed, and participants were provided a copy of each transcript to review, make corrections, and certify the accuracy of the recording. Participants were asked to acknowledge that the transcription was correct and accurate for purpose and intent. Participants were asked the best way to receive a copy of the transcript of their interview for review purposes. Each participant received their transcript via a secured email link from BOX. Participants were initially provided one week to review the transcripts. Participants were non-responsive with returning the transcription within that time, so an additional email was sent to determine if they had any specific questions related to the transcripts. After about two weeks passed, I sent an additional email to the non-responsive participants asking each to review her transcripts and then certify that it is a fair and accurate representation of the interview. This process continued until all four participants from Campus 1 affirmed the accuracy of the transcript. No participants had any additional questions, corrections, or concerns. Participant affirmation helped ensure the accuracy of the primary data.

### **Validity**

To promote the validity and reliability of the qualitative data, I employed triangulation, member checking, and peer review. Member checking was utilized to ensure both the validity and trustworthiness of the data. Member-checking allowed participants to review their transcripts

to certify that the transcripts were accurate and captured the expressions of the interview. Additionally, each participant was asked to review a portion of the preliminary findings and indicate whether the findings were an accurate reflection of the interview (Billups, 2014; Lincoln & Guba, 1985). Finally, participants were carefully selected and asked to provide feedback in writing with a specific due date to respond to control for corruption. Feedback was requested by email using the UNCG email account. Because the email system does not have the means to deliver communications with a delivery receipt and read receipt confirmation, the email to each participant copied me.

By journaling and taking field notes, I reflected on how my experiences and background impacted my perception as the researcher. These subjectivities are discussed in a previous section, Role of Researcher/Subjectivities.

### **Dependability**

To authenticate it for dependability, the study included an external review and was audited by a peer reviewer, a research colleague from the North Carolina Coalition Against Sexual Assault. The colleague selected to serve as the external rater had an in-depth understanding of sexual assault on HBCU campuses. All records, including field notes, recordings, transcripts, eliminated data, interpretation notes, etc., were available for inspection and used during the audit. The peer reviewer found the information to be dependable. Additionally, peer reviewers provided statements of assurance that they would maintain confidentiality.

### **Transferability**

The context in which qualitative data collection occurs greatly impacts the interpretation of the data. As such, it was important for me as the researcher to take copious notes and provide

explicit details and extensive descriptions in the field notes and interpretations during data collection (Billups, 2014). Additionally, interviews lasted within the predetermined time frame of 90 minutes, and no follow-up interviews were conducted due to COVID-19 disruptions. Semi-structured prompts were used in some instances for one participant to facilitate dialogue for comprehensive interviews. While the generalizability of qualitative research is typically limited, implementing the strategies increased the likelihood of transferability.

### **Limitations**

The recruitment, snowballing, and data collection processes were interrupted due to the sudden onset of the SARS-2 coronavirus pandemic (COVID-19). On March 17, 2020, I received a copy of the updated guidance for research issued by Dr. Terri Shelton, immediately suspending all human subjects research that could not be done remotely. As a result, my face-to-face interviews ceased after a total of four. The major limitations of this study resulted from the disruption of data collection and the limitations caused by COVID-19.

### **Summary**

This study strove to fill the void of sexual violence research on Black women generally, and specifically those at historically Black colleges and universities, by giving them a voice and opportunity to identify their barriers for reporting acts of sexual violence. Their voices will be captured using interviews as the methodology. Additionally, this inquiry into the unique culture of HBCUs and the four identified cultural components, namely: religion, misogyny in hip-hop, mandate to protect Black men, and the code of silence may provide significant insight and explain why Black women are least likely to report acts of sexual violence. By understanding the barriers and deconstructing them, this research is essential and provides Black women safe spaces within their higher education communities. While Black women comprise approximately

70% of HBCU campus populations, and their viability is necessary for the survival of the HBCU, this study is more significant than the sustainability of HBCUs as the negative narratives and stereotypes about Black women must be challenged and dismantled when and where necessary.

## CHAPTER IV: FINDINGS

This chapter explores the findings for the research questions proposed for this study and an application of critical race theory and Black feminist thought to the identified themes from data analysis. The participants' personal stories about sexual victimization are juxtaposed within the context of a larger sociopolitical critique of racism and sexism (Solórzano & Yosso, 2002).

### **Purpose of Study**

The purpose of this study is to identify the specific barriers to reporting sexual violence for Black women at historically Black colleges and universities (HBCUs) and to examine the impact that culture has on reporting practices using critical race theory and Black feminist thought. Research suggests that variables such as cultural background may influence the impact and reporting of violence on different groups of women (Ritchie, 2012). Likewise, cultural background may impact the reporting aspect for Black women at HBCUs. In general, HBCU campuses are familial and communal, much like the general Black community (Lenning, 2017).

### **Research Questions**

The overarching research question was:

- Why do Black women at HBCUs not report acts of sexual victimization?

Sub-questions used to guide this research are:

- What aspects of Black culture do Black women report influence their decision of whether to report the incident?
- How does being both Black and a woman influence whether Black women report acts of sexual victimization?



## **Participants**

The participants were Black women between the ages of 18 and 25 who, at the time of the study, were enrolled in an HBCU. Each participant shared a story that reflected their own personal journey illuminated through their eyes as Black women navigating the impact of sexual victimization. Potential participants were identified by a university employee at the level of director or higher who served in a capacity that assisted victims of sexual violence. The director would share information about the research study to Black women seeking, or who had already received, services because of an act of sexual victimization. Interested participants would contact me directly via email or phone to get more information about the study and be invited to participate in an interview.

### **Angie**

Angie was a 20-year-old, second-year student. Originally from Brooklyn, New York, she moved to North Carolina around the age of 8 or 9. She moved around a lot as a child from New York to Florida, from Florida to North Carolina, North Carolina to Pennsylvania, then back to North Carolina. Angie reported that she had a rough upbringing. Her father passed away from lung cancer when she was about 11 or 12 years old. Her mother was also a breast cancer survivor. Angie was raised in an environment of mostly women. Angie was the most vocal and forthcoming of all participants. She did not report her act of sexual victimization to campus police.

### **Barbara**

Barbara was a 20-year-old junior psychology major. She indicated that she was a middle child and labeled herself as a people pleaser. Barbara is Black and Hispanic. Barbara did not report her act of sexual victimization to campus police.

## **Connie**

The least talkative of the participants, Connie was a 19-year-old sophomore from North Carolina. She described herself as having a kind heart and soul. Connie did not report her act of sexual victimization to campus police.

## **Debra**

The oldest of the participants, Debra, was 25 years old. She grew up in a very religious, with an abusive father. Although she was a middle child with a brother who was 8 years older and a sister who was one year younger, she was raised as the older child because of the age gap between her and her brother. Debra did not report her act of sexual victimization to campus police, but she did report it to her mother and aunts.

Through their stories, the themes that emerged provided a glimpse of how religion, the code of silence, the misogyny of hip hop, protecting the Black man, racism and stereotypes, residue of slavery, single-parent households, and the Black matriarchy impacted participants' decisions of whether to disclose an act of sexual victimization. Due to the small sample size, participants in the study are referred to using the pseudonyms Angie, Barbara, Connie, and Debra to preserve their anonymity and protect them from re-traumatization and any harmful implications that might be associated with their experiences.

## **Social Context**

This study took place during a time of strong political divisiveness, social unrest, and a looming global pandemic. As such, it is important to bring attention to these within the context of the study.

The presidential election of Donald Trump under the mantra “Make America Great Again (MAGA)” ushered in a notable change in the American racial climate. According to research

conducted by the Pew Research Center (2021), Donald Trump was perceived to be too closely aligned with White Nationalist groups and had not done enough to distance himself from these groups. Additionally, the survey indicated that Trump made race relations worse and created a climate for people to express racist or racially insensitive views (Dimock and Gramlich, 2021). Juxtaposed to the Black Lives Matter movement, the U.S. racial climate was tense.

After the killing of Trayvon Martin in 2012, the Black Lives Matter (BLM) movement began with a simple hashtag via a social media post. The movement was started by three Black women: Alicia Garza, Patrisse Cullors, and Opal Tometi as opposition to the brutality that Black people faced in the hands of law enforcement (Turan, 2021). BLM organized protests across the country in response to the killings of Sandra Bland, Alton Sterling, Philando Castille, and countless others. The movement made its way into sports, entertainment, and popular culture as prominent athletes such as LeBron James, Dwayne Wade, Chris Paul, and Carmelo Anthony opened the 2016 Espy Awards show with a powerful message in support of BLM. In addition, Colin Kaepernick, former NFL player, joined the social protest by kneeling during the playing of the National Anthem before each game (Turan, 2021). The political divisiveness exploded when protesters and counter-protesters collided in Charlottesville, Virginia, in 2017. The failure of President Trump to condemn the violent actions of the protesters, Unite the Right, perpetuated the political and racial divide (Time, nd.; retrieved from <https://time.com/charlottesville-white-nationalist-rally-clashes/>). The social unrest, however, was not just about racial issues as women's issues were also a point of contention.

Using the hashtag #MeToo, women were speaking out against sexual victimization. The #MeToo movement was created in 2006 by Tarana Burke, a Black woman, as a social platform for women to bring attention to their experiences with sexual victimization. In 2019, high profile

men such as R. Kelly, Harvey Weinstein, and Jeffrey Epstein were being charged with numerous crimes related to sexual assaults against women. Women elevated their voices to demand better protection and more accountability. #METoo even began to make its way into state legislation as more than 230 bills were introduced in 19 states to strengthen the protection against workplace harassment (Johnson, Sekaran, and Gombar, 2020). Moreover, the onset of the 2020 COVID-19 pandemic stalled the progress as state governments shut down and shifted their focus to the pandemic.

The COVID-19 pandemic was looming near the dates of the interviews. Although the severity of the pandemic was not yet known, this unknown related to the virus caused some level of general anxiety within the college campuses. University administrations were planning to extend spring breaks to allow sufficient time for the virus to pass through and health officials to gain a better understanding of its potential impact. The interviews with participants took place during these in the strained social environments and tumultuous times and could likely have impacted the participants.

### **Data Analysis and Results**

Before the interviews and upon completing each interview, I used a journal to write about my own reflections, thoughts, and personal feelings. This is known as bracketing or epoche (Marshall & Rossman, 2006). The purpose of this process was to allow me, as the investigator, to put aside my own personal experiences and biases and to “gain clarity from [my] own pre-conceptions” (Marshall & Rossman, 2006, p. 148). As a Black woman with similar lived experiences as the participants, I expected that some of my thoughts would align with theirs. By documenting these beliefs before the interviews, I was able to release my perspectives and

minimize the influence that my beliefs had on the interview process. Each interview was analyzed, coded for themes, transcribed, and provided to participants for review.

Participants were asked to check for accuracy, known as member checking (Marshall & Rossman, 2006). Each participant returned their transcript and certified that no changes were needed. All interviews were manually coded to identify common themes. I read each transcript multiple times. Notes were carefully taken as I read each transcript. Significant statements were highlighted, extrapolated, coded, and placed in an excel spreadsheet. The significant statements and quotations were identified, highlighted with different colored markers, and then placed into clusters of similar meaning. These clusters were then further reduced to categories, themes, and subthemes.

I established parameters to determine what constituted a theme. For this study, a common shared experience evident in two (50%) or more participants' interviews were considered a theme. All shared experiences that fell within the realm of a particular theme were listed. A total of eight themes were identified: (a) religion, (b) code of silence, (c) slavery, (d) misogyny in hip-hop, (e) protection of Black men, (f) racism, (g) single-parent households, and (h) the Black matriarchy. In the second round of coding, I identified the subthemes within the main themes (see Table 1).

**Table 1. Black Culture Themes and Subthemes**

<b>Themes</b>	<b>Subthemes</b>
<b>Religion</b>	Chastity Spiritual reliance
<b>Code of Silence</b>	Mistrust Distrust
<b>Slavery</b>	Dehumanization Erosion of the Black Family
<b>Misogyny of Hip-Hop</b>	Song Dance
<b>Protect Black Men</b>	Trauma Endangered species
<b>Racist Stereotypes/Black Women</b>	Jezebel Sapphire Mammy

In the next section, I discuss the previously mentioned six themes and their respective subthemes. These themes were selected for discussion because they were evident in at least three out of four (75%) participant interviews. The themes of single-parent households and the Black matriarch are not discussed in this research study but would be viable subjects for further investigation. Several themes from the interviews directly align with the literature review: misogyny, race and gender stereotypes, religion, protecting Black men, and the code of silence. Slavery was not directly discussed in the literature review but emerged as a strong factor for whether Black women would report acts of sexual victimization, even in 2020. Most notably, slavery undergirds the impact of religion, the code of silence, and protecting the Black man.

Black culture fosters its own unique set of rules and experiences often untaught and unembraced by White hegemonic culture. Akin to old Negro spirituals sung as messages for enslaved people on the Underground Railroad, survival, a residue of colonialism and slavery,

often manifests through these unspoken rules. These rules, also referred to as “Blackisms,” are the colloquialisms used to establish cultural norms within the Black community (Pollard-Terry, 2004). These themes provide a brief insight into the Black culture and pay homage to it because they were learned as methods of survival taught by oral communication and storytelling.

### **Themes and Subthemes**

The transcript analysis identified six prominent themes that will be discussed. The themes are: (a) religion, (b) code of silence, (c) slavery, (d) misogyny in hip-hop, (e) protection of Black males, and (f) racism. Each of these themes was broken down into two subthemes, with racism having three subthemes.

While the themes of single-parent households and the Black matriarch are not discussed in this study as stand-alone themes, it is noted that the Black matriarchal nature of Black families is a byproduct of the single-parent household and one result from slavery and Jim Crow.

### **Religion: “Just Pray About It”**

Religion emerged as a theme in two ways: (a) spiritual reliance, and (b) chastity. Black women rely on spirituality and religion as a mechanism to deal with issues of oppression, injustices, and victimization (Thomas et al., 2009). Religion also influences the messages that Black women receive about sexuality during childhood. The messages are conservative and overwhelmingly influenced by Christianity (Thomas et al., 2009).

### **Spiritual Reliance**

The participants often cited spiritual sayings or Bible verses as examples of the messages they received growing up that defined how they coped with victimization. According to Angie, religion does not get in the way of reporting, but her rationale for not reporting was based on a Biblical tenet and religious principles common in Black families.

*So, I don't have to report it because I'm gonna eventually get through it. This too shall pass. Have you ever heard that? This too shall pass, but I don't—I'm gonna get through, it's okay it happened. I don't want to keep talking about it, that's it. Let it go. Pray about it and let it go.*

Barbara highlighted the importance of religion in the Black community and its influence on coping with trauma.

*When something's not going right in your life, and you're asking somebody else or just want to talk to somebody or vent to somebody, people will say, like to pray about it. Especially in the Black community, religion is something that we kind of hold up, you know, Christianity. So, you know, just pray your situations away, you know, talk to God, just ask God, and everything will be fine. It'll make your situation better.*

Debra provided an example of how reliance on religion can also perpetuate victimization in the Black community. She noted that when trying to discuss the instances of victimization and the emotional and psychological trauma, her grandmother would quote Bible scriptures.

*She'll quote Bible scriptures about just everything under the sun how, you God is your rock and your salvation, or like how God is sufficient. It's just at one, at some point, is just numbing because like the amount of dysfunction that it takes to like see something happened wrong and then use religion to cover it up, but I mean that's happened in slavery ... you know, forgive and forget, you know, turn the other cheek and whatever else is—that's religion.*

## **Chastity**

In addition to spiritual reliance, Black religiosity inferred requirements that young Black women must also be chaste and pure. These messages were conferred both directly and



indirectly. For example, young Black women would be given explicit instructions on how to dress and present themselves in public. According to Angie, the presence of her religious upbringing was a constant and consistent influence on her actions, including how she dressed and carried herself.

*[I]t comes back to the Bible. We're raised up in a church, we're supposed to have our legs crossed, our ankles crossed, supposed to sit with our legs closed ... I just feel like that stuff always, that stuff always come back, and that's why I feel like we are unconsciously conservative with our sexual appearance and our sexual being. I just feel like it's looked at as being shameful, like having sex, like us being sexual is looked at as being shameful in the Black community for Black women.*

*We're supposed to be like this virtuous Virgin Mary.*

The requirement for purity was reinforced in direct messages regarding abstinence or waiting until marriage to have sex. Accordingly, Barbara indicated that religion keeps Black families from discussing any issues related to sexual activity, except abstinence, including victimization.

*You know, Christianity definitely, you know. You're supposed to wait until you're married. All about being pure, and you have to wait for your husband or your wife before you can do that. It's between man and a woman, a married couple. It's not for other people, and if it is, then it's a sin. It's sinful, it's wrong, it's bad to have sex.*

Debra describes both of her parents as “PKs,” which is commonly used to denote “preacher’s kid.” She shared that her maternal grandfather had a whole second family that her grandmother simply accepted and allowed it. Through her personal experiences, Debra revealed that she had allowed the traumas in her life to override her own personal morals, beliefs, and

values due to her father, who was raised strictly under the Church of God in Christ (COGIC) doctrine.

*I could see now why that's where they got that from, that like keeping a certain face or like keeping a façade, like everything had to look perfect in general, especially in church.*

She explained that the virtuosity of religion in the Black community is used to perpetuate perfection.

### **The Code of Silence: “What Goes On In This House, Stays In This House”**

Blacks have learned historically that White people cannot be trusted. White people represent anyone of power. The Man. Consequently, as a Black person, it is required that you protect other Black people. Therefore, there is a reluctance to disclose problems within the Black community because we live in a White society that views Blacks as deviants (Collins, 2005). This message is taught early and often reinforced to the participants. The code of silence theme emerged from the interviews as both mistrust and distrust.

*Mistrust.* Mistrust is the lack of trust in the form of unease or uncertainty and may be based on feelings and instinct rather than a direct experience (Mistrust, 2021). Angie explained that the code of silence was passed down to her from her father, and it is something she has adopted for her own life.

*I'm not going to involve anybody in my business because that's my business, and I think that comes from “what happens in the house, stays in the house.” “What happens in this house stays in the house” is very infamous in Black culture. My dad used to say it all the time. That is ingrained in my head, like don't go out here telling the next person what's going on in this house because what happens in my house stays in my house. You don't want nobody talking about what's going on in your house if they don't live in your house.*

Barbara shared a similar indoctrination experience and that the code of silence was a mandate within her family environment.

*You know, like growing up, it's always, you know, what happens in this house stays in this house. It was whatever happens in this house stays in this house. We don't tell other people our business because it's none of their business. And I think we, as a collective house, we have brought these kinds of ideas to campus where we don't say anything. We keep them to ourselves, we keep this in our friend groups, but we're not going to tell higher up in administration because we just don't do that. They were taught that as children from their parents, so I think it's just a generation thing, it just keeps going. You learn it when you're young and you just kind of keep it the same way throughout your life. Whatever happens to me is my business. I'm not going to tell or express my emotions of how this happened or what happened to me.*

Within Black families, the code of silence is passed down from generation to generation. Connie learned not to disclose information from her Grandmother.

*When you do get raped or something, you constantly get that one word afterwards, don't tell nobody, this is our secret, or something like that . We're considered secretive people. We don't tell our secrets. There are just multiple secrets that we try to keep between each other or between family members. Just a simple fact that Black people are just, especially Black women, we're secretive. Don't go tell your Grandma anything or that this happened in this house. It's like you hear the same thing, don't tell this, don't do that. Don't tell them that this and that. Just like, all we do is hear, don't tell.*

*Distrust.* Distrust is a lack of trust stemming from a specific experience or certain knowledge (Distrust, 2021). Perhaps the worst in Black culture is to help “the Man” (the police

or law enforcement) by giving them or another authority figure information about a Black person who has committed or is suspected of having committed a crime. This is snitching. The snitching ethos, or code of silence, runs so deep that many Blacks who aid law enforcement morally struggle with their decisions. They also may find themselves ostracized by family members or the community. Snitching is cultural betrayal (Anonymous, 2010).

The code of silence for the Black community is rooted in the remnants of slavery. For Black women, this veil of silence is a remnant of survival tactics adopted to survive the atrocities of life in the United States (i.e., slavery and Jim Crow; Broussard, 2013). During slavery and the Jim Crow era, lynching and other racialized violence were used to induce silence among Black people, particularly Black women, who emerged from slavery as collective rape victims (Collins, 2005). To victimized Black women, their silence serves as a protection mechanism, and they were unilaterally responsible for protecting the family unit.

Angie provided an example of how silence is used to protect the victim's family.

*I've known friends who have been raped in their families, and it's like, you know, they don't want to believe. It's like a coverup, you know. Don't go out in the street telling nobody this is what happened because you know, "what happens in the house stays in the house." You protect your family at all costs, even when it comes down to Uncle So and So raping me. Like yeah, he may have raped you, but you don't go out to the schoolhouse and tell them this is what happened.*

According to Barbara, Black women cannot trust law enforcement or people in power to protect them from acts of sexual victimization. From her experiences, there are no sanctions for the perpetrators.

*And then that equates to when something happens on a college campus, specifically an HBCU. Oh, I can't trust them because I've seen where people don't even get to go to courts for those things, there's really no consequences for those who assault other people. They walk away with no repercussions or no consequences. So why should I report if they're not going to get in trouble for doing things that they did?*

Connie illustrated how the relics of slavery and the Jim Crow era reinforce the code of silence for Black women and perpetuate the ideology of distrust of law enforcement or governmental agencies.

*So basically, we couldn't report to the government or whatever that the White man raped a Black slave because at the end of the day, the White man was gonna get a slap on the wrist, and the Black woman was just gonna be in trouble, might be killed or something. There are just multiple things that could happen to a Black woman, and the man would just get a slap on the wrist. And it's kind of still like that now, differently.*

Debra shared how she would be punished for sharing information about her family life to reinforce the importance of the code of silence.

*I would get in trouble all the time for "telling family business" all the time. I would get my phone taken away. I would, you know, get beat sometimes, or I would, they would put me in my room, and lock the door, like just a bunch of stuff because I would "let something slip." And, I think that kind of goes along with like telling family business, if the person is, like, doesn't look like you. Even though you can call 911, you can, you know, go to the authorities and whatever else ..., But in my head that wasn't an option. Because I had been taught that it wasn't. My mom told me that it wasn't ... and I'm still struggling with the idea of who to tell.*

One remedy to the systemic silence would be an acknowledgment that a Black woman needs to be able to tell “her story” and allow a collective exorcism of the pain that has lingered just below the consciousness of Black women for centuries (Broussard, 2013). The brutality of slavery literally beat silence into Black people. There is no dispute that during slavery, Blacks were not considered human beings but merely chattel property, and as such, were subject to the wishes and whims of their owners (Broussard, 2013).

### **Slavery: “Not Human, Animals and Chattel”**

Blacks were deemed the property of slave owners and therefore had no recourse for any criminal acts committed against them by their White enslavers (Broussard, 2013). Four hundred years later, the residue of slavery lingers within the psyche of young Black women faced with acts of sexual victimization.

One of the many ironies of slavery was that although Blacks were not deemed human beings for the purposes of civil and human rights, they were elevated to full human status for purposes of criminal law. Moreover, presumably, a slave owner could not commit a crime against his own property. Therefore, there was rarely an expectation that slaves could attain relief for the atrocious acts committed against them by their owners or anyone else (Broussard, 2013).

### **Dehumanization**

To maintain a system of slavery and colonialism, Whites needed an ideological justification. Blacks were analogized to animals and eventually conceptualized and labeled as chattel. These ideologies worked to dehumanize Black people (Collins, 2005).

According to Angie, slavery and its social constructs still impact Black people and informs how they interact and move within society.

*So, a lot of Black women were—their jobs were to have babies and be the master's wench, per se, and it was just very objectifying. So, I feel like—I just feel like slavery really took a toll on how we view ourselves and stuff like that. And that also affects how others view us when it comes to sexual assault because we were always look at as, you know, sexual objects, like you are, you're here just to have sex with your master, you're here just to have kids, that's it ... So that narrative was placed on us happened during slavery because we were used as sex slaves and sex objects.*

Barbara also explained the lingering effects of slavery on Black people and the methods of social control used to justify it.

*Christianity was literally used to justify slavery and for White—the White man to hold slaves, you know, and so that they wouldn't run away, or that God intended them to be slaves. So, they should just comply and not disobey because they are disobeying God. So just implementing like that whole, like, you know, there's a higher being who wanted you to be a slave, so therefore, you have to obey him because I told you so, because he said so. Slavery times is like something that we held on to.*

Similarly, Connie believed that the institution of slavery continues to impact how Blacks deal with personal issues.

*Basically, if a White male is to rape a Black slave ... you know, the White man gets a slap on the wrist ... you know our ancestors, especially during slavery, they went through so much abuse by the White man. They were stolen from their home. They had to deal with the whippings, the beatings, the terror from their families, and all that stuff. Seeing family members dies, and all they could do was hold it in and keep doing what they do so they won't have to face the same fate. And that's basically what we do, just bottle things so*

*that we don't have to face something that we don't want to face, like denial, or regret, or having to speak to that person again.*

Enslaved Africans lost familial, territorial, and tribal ties in Colonial America (Bell, 1992).

According to Debra, this type of trauma has longstanding, generational consequences and impacts how Black people interact as a community.

*If you have a group of people, and you bring them over, you strip them from their identities, their culture, the whole nine yards, and then they have to figure out how to come together in some way. And if you're dipped in this trauma and abuse in, you know, in every aspect physically, emotionally, you know, psychologically, I could see why somebody would have this ingrained thing in them ... I know it gets tiring, and it sounds like a broken record, but I genuinely think that like slavery did a number on like what we do, how we interact.*

The intersection of slavery and sexual violence is important in understanding the significant impact of race on Black women's experiences and reporting of sexual victimization (Kennedy, n.d.).

### **Erosion of the Black Nuclear Family**

Study participants were also cognizant of how the institution of slavery in America destroyed the Black nuclear family. The erosion of this social structure created a framework whereby Black men, unlike White men, could no longer protect their families. According to Angie:

*When Europeans came and took Africans from Africa to America, they split up the men and women, of course, because I feel like if you take the strongest person in a family, which is the male, he's supposed to be the protector, the provider and all that. If you take*



*that from the woman and children, then you have nothing and you constantly tear him down, tell him that he's not anything, he's not—he'll never amount to anything, this and that, to the third, and that creates this man who is unable to protect his woman and child, so he's not going to.*

Debra also discussed the impact of slavery on both on the erosion of the family and the dehumanization of Black people.

*And then top of that you see—you know, back in slavery, you see who has your husband, you know back in Africa, all of a sudden stripped of everything and humiliated and just dehumanized. I could see how that would kick into effect.*

*And so, you have this sense of like, during slavery, because so much was done to separate us ... Black women had to accept that as like what was going to happen.*

For Black women, the erosion of the Black nuclear family during slavery created a social paradigm that left them unprotected by Black men and more vulnerable to acts of sexual victimization. As a result, Black women were objectified and subject to violence, with the social system relying on violence as social control. Within this system, sexual stereotypes about Black women as jezebels were generated to justify rape (Collins, 2005). Those stereotypes persist today within modern popular culture.

### **Misogyny in Hip-Hop: Twerking as Rape Culture**

Hip-hop reduces Black female sexuality to the most stereotypical form. The frequent characterization of Black women as “bitches” and “hoes” has reinforced the rape culture within the Black community (Cole & Guy-Sheftall, 2003). Participants provided examples of how misogyny infiltrates both songs and dances to perpetuate the degradation of Black women. The severe alienation between Black men and Black women is evident by the frequent

characterization of Black women using derogatory language such as “freaks,” “skeezers,” and “gold diggers” (Cole & Guy-Sheftall, 2003).

### **Song**

Participants described how hip-hop music depicts Black women as sexually vile creatures and perpetuates the myths of promiscuity. According to Angie,

*Black women are the most disrespected people on this earth. We are so disrespected, and it's the way that men talk about us, even our own Black men. It's very misogynistic, and it's very abusive in a way, like some of the music we listen to. So, a lot of music is very derogatory to Black women because it's like, you know, a lot of Black men and—sex sells. So, a lot of Black men think that, you know, we want his aggressive type of man, and it's like it's talking about beating his pussy up and stuff like that and choking her because she likes to be choked. And they don't really understand that that's—that's rape culture. I just really, I honestly, I don't know why that is and it's—because I sometimes find myself doing it, like indulging in rape culture, not knowingly, so—and I really think that's just the psychological thing that has happened over the years with African American people, right. They really did a number on us. White people really did a number on us psychologically. We are psychologically messed up in the head when it comes to how we view ourselves and how we treat each other as African American males and African American females.*

Historically, institutionalized rape permeated through slavery and sexual violence was used to dominate and control women. Unfortunately, vulgarity and violence against Black women continue within hip-hop music. Barbara discussed the volatility and aggression that hip-hop music displays against Black women.

*It's more out there, just more aggressive. When it comes to like sex music, it's like talking about pussy, talking about ass, like you know, bend you over and do all these different things, so it's just the language that they use, the slang that they use. So obviously, instead of like saying like love, they say fuck. They say ass, pussy, dick, suck my dick, just stuff like the very vulgar. They can be very vulgar depending on what it is. I think we listen to it so much that it starts kind of like unconsciously, it's in our heads, and so we're not really thinking about what we're listening to since we just try to vibe to the music, you know, and have a good time. We're not really thinking about the actual message in it, so I think unconsciously some of those things can really just like kind of be in your head and not really even know that it's there.*

Dance also perpetuates the degradation of Black women.

### **Dance**

Rap music videos often feature images of scantily-clad Black women gyrating sexually or functioning as props or sexual objects (Cole & Guy-Sheftall, 2003). Study participants described a culture whereby life imitates art. According to Barbara,

*I think it's just a cultural, it's a norm. Like partying equals twerking equals, you know. I can just automatically do this because it's just dancing. Usually twerking is a thing. And then even like at parties, they're like, if you're not twerking, then you should go home, like you shouldn't even be here. Like, that's just a thing that people say. So, it's—I think it's already just assumed that you want to get touched just because of dancing.*

Barbara was asked to define or describe twerking to create a better understanding for future readers who may not understand what twerking is or visualize how it looks.

*Well, twerking is a type of dance ... twerking is basically when you're shaking your ass, your hips, your legs, or butt is involved. Usually, it's against another person. And basically, the male's crotch will be where the female's ass is at. Sometimes, it can be against a wall, or you're holding onto friends, or you're just putting your hands on your knees, and you're clapping your ass, in essence.*

Barbara further explained that there are other forms of dance that simulate sexual activity.

*Usually at every party it's really just twerking. There's also this part of the party, which is called grind time. Basically, it's during the party the deejay will play like really sexual music so then-like sex songs, things like Grind On You ... they want you to grind on guys, twerk on guys, just be very like sexual with guys, in a sense, with your clothes on.*

In addition to the sexualized nature of dancing, Barbara believes that participation in sexualized dancing activities impacts Black women's decision regarding reporting acts of sexual victimization.

*[I]t's all about twerking, and it's all about having the best ass, the best body shape ... like, who has the best, like the bigger ass, who has the best ass ... they have the best twerker competitions to see who can shake their ass the fastest, and they do it for money or for other incentives as a normal thing like that's okay to do in front of people on stage.*

Hip-hop and mass media images have negatively affected both Black femininity and Black masculinity. While Black women are portrayed as physically unattractive, domineering, and promiscuous, Black men are portrayed as promiscuous, dangerous, and criminal (Collins, 2005). The high incarceration rates, deviant criminal stereotypes, and percentage of Black men enrolled in college perpetuated the notion that there is a shortage of available Black men for

heterosexual relationships. Collectively, these ideals birthed the notion that “good” Black men are an endangered species worthy of protecting (Collins, 2005; Rebollo-Gil & Miras, 2012).

### **Protection of Black Men: An Endangered Species**

For Black women, this culture of secrecy and silence has unwittingly enabled and protected those who have abused them for decades (Broussard, 2013). A constant psychological battering of Black women occurred due to them witnessing their husbands and sons being killed for minor offenses. This trauma resulted in a culture of silence and protection of Black men that continues to exist today. A collective consciousness that survived slavery and the Jim Crow South triggers Black women to protect their abusers (Broussard, 2013).

### **Trauma**

During slavery and the Jim Crow era, Black people lived in constant fear of White violence as a means of social and physical control. Black men would be lynched for minuscule reasons. As a result, black men were rendered submissive, powerless, and nonprotective (Cole & Guy-Sheftall, 2003). While the social conditions may have changed, the same fears exist (Collins, 2005).

These fears have manifested into ideologies within the Black community. According to Angie:

*He’s not capable of protecting family and women ... that’s the psychological trauma that has happened ... They want to protect us, but they don’t know how to protect us. (p. 10)*

*You know, it’s just a lot of other things that go into why they don’t want to report this man. “I don’t want to send the father of my kids away; he pays the bills. If he goes to jail, we’ll have nothing.”*

Consequently, this fear and trauma impact how Black women behave towards Black men. Angie further explained,

*They don't want to take that male figure away from their kids. Black women are very protective over Black men. We try to save them at all costs because we know what happens when they get in the system ... Even though they put us through all this hurt, we still try to protect them.*

*[I]f we don't protect one another, who's going to protect us because we are, we always get the last end of the stick—Black people in America, Black men and Black women.*

Moreover, this perception of the availability of desirable Black men affects how Black women behave within their relationships with Black men (Collins, 2005). Angie explained the dilemma:

*And, I see it way too often, like, especially on social media. One of my friends, he literally degraded his girlfriend on social media, just talking bad about her, calling her all types of bitches and hoes and sluts and just posting her news everywhere ... but she just didn't because she was worried about his football career and didn't want to throw his life away ... we're still trying to protect the very people who do not know how to protect us. I just don't understand it.*

*America was not built to protect African-American people ... we have to fight adversity, trauma, murdering by people who are supposed to protect us, the police. I think that's why we protect them so much. Because we go through the same thing.*

Barbara also believed that the relationships between Black men and Black women are a direct result of generational curses and trauma:

*So, we have to take care of our men in order to get better, in order to move past like generational curses and things. We have to protect them by any means necessary. So, if it*

*means lying for them or sticking up for them, saying that no, they didn't rape this person, they didn't assault this person, then, yeah.*

While Black women have positioned themselves to protect Black men at any cost, they do not believe that Black men reciprocate a similar level of support. From Connie's vantage point:

*It's not like most Black men are going to fight for us ... they just laughed, or they just sat there or wait to the last minute to actually help.*

Debra shared a similar perspective:

*And so, then it became a theme of like protecting these Black men in our families.*

For centuries, Black women have refused to report Black men to the police because they do not want to contribute to the injustices Black men face in the criminal justice system (Broussard, 2013). Additionally, Black women do not want to be "an instrument that further neuters Black men" (Broussard, 2013, p. 376). Accordingly, Debra noted,

*if I am in that position, and I'm even now, I'm a woman, and I constantly see my man humiliated, beaten, whatever else. If he comes home and hits me, I can understand where his frustration is coming from. I can understand where his anger is coming from.*

Undoubtedly, the dynamics of societal structures and the violence during and after slavery against Black people have resulted in generational trauma, and Black women continue to suffer (Broussard, 2013).

### **Endangered Species**

Mass media perpetuates a narrative that there are more Black men in prison than in college and that there are not enough available Black men for Black women to marry (Rebollo-Gil & Maras, 2012). As such, Black men have emerged as an endangered species (Collins, 2005).

Angie explained how the endangered species phenomenon impacts Black women reporting acts of sexual victimization, particularly against Black men who are enrolled in college:

*If a woman, a Black woman wants to say this happened, and he was the SGA President, he was the quarterback of the football field, she would automatically be lying because they know that person, like they know they wouldn't do that, they would never do anything like that.*

Barbara also noted that there is a shield of protection for Black men on a colleges campus that are a result of the status that is attributed to Black men who are members of elite organizations, such as fraternities or student government association:

*Like somebody who might be a Greek or an athlete, you know, that person has status on campus and so, in a sense, they're protected from other people who might be also, you know, part of Greek life or in their organization or another athlete, you know... their organization will back them up saying, no, like this person is, you know, a good person, they would never do that, you know.*

Another dynamic that impacts the protection of Black men on HBCU campuses is the disproportionate ratio of females to males. Black women outnumber Black men by more than 50% on most HBCU campuses.

*There is a lot more females in this campus than there are males. So, like that ratio is already off. Because there's already, you know, negative connotations with being a Black man. So, try to protect the Black men who are in college trying to get through college and who are educated, try to protect them from even more negative stereotypes about them.*



Similar to the negative racist stereotypes about Black women, participants were cognizant of the negative stereotypes about Black men and the historical atrocities of false allegations of rape by White women against Black men (Rodriguez, 2018).

*So, if we don't protect our own—we don't protect Black men, they're going to be even more stereotyped by Whites ... they're already labeled as angry ... And, if you say, oh, they raped me, then what does that discredit everything else that they're supposed to be in terms of being-being good, so we try to protect that.*

Due to the intraracial nature of sexual victimization, including incest, Black women feel an allegiance to the fictive kin relationships within Black communities. They also perceive a duty to protect Black men from unfair treatment by the criminal justice system (Tillman et al., 2010).

*So, in essence, if I can just make sure that I help somebody else. It's okay if I was a little bit uncomfortable, because I always just wanted to make sure that everybody else's needs got met, even if it meant neglecting my own.*

The prevailing fear of White violence against Black men, the injustices of the criminal justice system, and the belief that Black men are endangered species complicate a Black woman's decision to report acts of sexual victimization. Black women are compelled by the previously mentioned reasons to protect Black men, even to their own detriment.

### **Racism and Stereotype: Jezebel, Sapphire, and Mammy**

Narratives of the ills of the stereotypes about Black women pervaded the conversations with the participants. Black women are often criticized for negative images reinforced by mass media. These are Jezebel, Sapphire, and Mammy, or the Strong Black Woman.

## Jezebel

The racialized stereotypes about Black women negate the protections that Title IX affords women. Black women are portrayed as sexually wanton or as jezebels. For many years, courts subscribed to the belief that Black women could not be raped and were therefore not entitled to protection under the law (Kennedy, n.d.). The perpetuation of the Black woman as a Jezebel stereotype perpetuated the ideology that Black women were not chaste; therefore, traditional rape statutes would not apply to them (Kennedy, n.d.).

Angie explained how the Jezebel stereotype impacts whether Black women will report acts of violence and provided real-life examples of how those stereotypes operate against them:

*They—it's also, it's almost like they're not believable, like Black women can't, you know, they're automatically promiscuous so you must have done something to cause this.*

*Black women have always been looked at as more promiscuous and you know, we want that type of sexual attention, so it doesn't really—it doesn't really mean anything so when we report because we are already looked at as sexual objects. We were always looked at as, you know, sexual objects, like you are-you're here just to have sex.*

Barbara described similar experiences of how the negative stereotypes of Black women as hypersexualized acts as a barrier to reporting:

*Black women are hyper, over-sexualized. She was already asking for it because Black women are already presumed as being an oversexualized, hypersexualized person. We're labeled as the Jezebel, the White woman is supposed to be pure, and clean, and holy.*

*Black women, they're sexualized in that they're just-you just always want to have sex ...*

*We're not supposed to be pure. We're supposed to be a hoe and all these things.*

## **Sapphire**

Another dangerous stereotype perpetuated against Black women is that they are constantly angry, overbearing, loud-mouthed, controlling, and emasculating (Cole & Guy-Sheftall, 2003). Derived from a character from the Amos 'n' Andy series, Sapphire embodies everything wrong about the Black woman. Unfortunately, her characterization remains damaging to the contemporary images of Black women (Cole & Guy-Sheftall, 2003). Barbara expounded on the impact of the Sapphire stereotype:

*We're supposed to be this angry Black woman. That's all—like you know, we can't be angry without people labeling us as being angry. So, I think just the societal norms, in that sense too, make it hard for them to report just because of those things.*

Debra shared her similar experiences with the racist stereotypes and how those labels impact Black women:

*Well, I mean definitely angry Black woman, because I think, you know, that just allows people to dismiss a lot of the things we say... They all turned on me like I'm this somewhere in between fast tail behind girl and Angela, you know, Davis or whatever... fast tail behind, like Sapphire.*

The racist trope of Black women as angry, loud, and ghetto impacts the perception of their veracity and their decision to report an act of sexual victimization.

## **Mammy is a Strong Black Woman**

Another prevailing stereotypical myth about Black women is the strong Black woman, the modern derivative of Mammy. Mammy was portrayed as an asexual, safe, and subordinated Black woman (Collins, 2005). She is usually portrayed as large and unattractive, which justifies her exploitation (Collins, 2005). Mammy has been modernized from the loyal female servant

under chattel slavery to the ambitious, aggressive, tough, smart, independent, and asexual (Collins, 2005). The modern mammy is a strong Black woman. The participants noted that because they are labeled as “strong,” Black women are often called upon to ignore Black male abuse and endure physical, mental, and emotional pain. They must exercise strength, demonstrate power, and deal with the consequences (Collins, 2005). Each participant had at some point embraced the concept of strong Black women:

*Black women always finish strong. We're supposed to be strong women ... Because our Black men aren't strong for us, so we've gotta be strong for ourselves. (Angie)*

*We just take care of ourselves; you know, we don't have to ask other people for help, you know. We're supposed to be independent, independent Black women. (Barbara)*

*We try to show that as Black women we're strong and we can keep our head up and whatever because you know, I mean, 'cause it's not like the White women are going to fight for us. It's not like most Black men are going to fight for us. (Connie)*

*I guess it is acceptable for Black women to be victimized ... it's just like everything that happens to us, Black parents always told us it's gonna be okay, get over it, move on. (Debra)*

Black women have learned to become Strong Black Women in response to the systemic issues of racism and sexism (Collins, 2005). This persona has served as both a shield and a sword to the atrocities of sexual victimization. It embodies both resilience and hindrance. In the face of adversity, this embodiment of strength is a survival technique. Unfortunately, the Strong Black Woman embraces the culture of silence because it perpetuates the expectation that Black women are conditioned to adversity and will just continue to grin and bear the sexual assaults

against her (Tillman et al., 2010). The expectation of being strong serves as a barrier for Black women to report sexual victimization.

### **Summary**

In their respective interviews, participants in this study talked about their cultural experiences that impact whether they report acts of sexual victimization. The elements of religion, the code of silence, slavery, misogyny in hip-hop, protecting the Black man, and racist stereotypes about Black women factored into their decision-making process. While no one theme was paramount of the key deciding factor, each of these themes was critically important and influenced their decision to report sexual victimization.

Religion is a powerful tool as religious practices and beliefs perpetuate and reinforce silence in the Black community. For Black traditional Christian believers, God is the Alpha and the Omega, who sees all and knows all. Therefore, Black women must “just pray” about those things that cause them harm or strife. Moreover, by sharing the transgressions with God, you are thereby precluded from sharing them with others. God will take care of it.

Each participant cited the code of silence and had the strongest resonance regarding reporting acts of sexual victimization for Black women at HBCUs. The code of silence is broad-based and transcends across communities irrespective of the act. In the Black community, you are expected not to report any acts or misdeeds to law enforcement. This includes both the pettiest of crimes and the most severe. The messaging for the code of silence is blatant and direct, with no opportunity to get lost in subtext or passive language. The Black community at large is taught that “what goes on in this house, stays in this house.” Exceptions, if any, are rare, with God being the only exception that comes to mind.

I was initially surprised at slavery as a barrier to reporting because participants were not alive during times of slavery. However, the impact and remnants of slavery are embedded in our legal, business, social, and cultural systems. For the participants, atrocities of slavery are directly related to the state of the Black community and how Black men and Black women treat each other. The code of silence, racist gender stereotypes, and the need to protect Black men each result from the effects of slavery on the Black community.

The misogynistic hip-hop genre and the constant degradation of Black women as sexual objects operate as a barrier. Participants recognized that if they are always perceived as hypersexual, they would never be believed not to want to have sex. The dominance of hip-hop culture, and its crossover to White youth, makes this a powerful force with which Black women must reckon.

Ironically, even as Black men and the hip-hop genre degrade and oppress Black women, Black women have made it their core mission to protect Black men, even at their own expense. To save him, she must at times sacrifice herself and continuously does so to protect Black men. The disproportionate ratio between Black women and Black men on the HBCU campus reinforces the need for this cultural mandate.

Lastly, the stereotypes about Black women's sexuality intersects with slavery, religion, and hip-hop. Black women are portrayed and perceived as impure and hypersexual. Akin to the messaging in hip-hop, Black women are both hypersexualized in one context and portrayed as unattractive in the other. Society has deemed them undesirable and freely giving sexual favors so there would be no need to rape a Black woman. The participants identified these cultural experiences and provided context and examples of how culture impacted their decision to report.

In the next chapter, CRT and BFT are used to analyze the cultural themes the participants identified as barriers to reporting acts of sexual victimization.

## CHAPTER V: THEORETICAL FRAMEWORKS AND ANALYSIS

Critical race theory (CRT) is an outcome of a racist legal system established to challenge dominant systems of racial oppression. It emerged as a form of legal scholarship and a measure to understand how White supremacy and its oppression of non-Whites had been established and perpetuated (McCoy & Rodricks, 2015). In doing so, race and racism were placed at the center of the analysis. There are seven tenets within CRT: (a) racism is ordinary, (b) intersectionality—the idea that race is connected to and contingent upon other social identities, (c) Whiteness as property allows certain advantages to being maintained and accrued by people who are White because of historical, institutional, and structural racism/historicizing inequities, (d) disrupting the ideology, (e) interest convergence, (f) critique of liberalism and counter storytelling, and (g) commitment to social justice (Delgado Bernal & Villapando, 2002).

Critical race scholars recognize that the lived experiences of Blacks and other people of color have value, are legitimate, and are appropriate. Moreover, these experiences are critical to understanding, analyzing, and teaching about racial oppression in society (Solórzano & Yosso, 2002). Accordingly, counter-storytelling provides a voice to historically marginalized people and serves to illuminate and critique “normalized dialogues that perpetuate racial stereotypes” (Solórzano & Yosso, 2002).

For Black women, race compounds the gender issues, and gender compounds the racial issues. Black women lack the power of maleness and the privilege of Whiteness and thereby occupying a unique space as a double minority in a White, male hegemonic society.

BFT is situated in opposition to dominant public pedagogy and becomes a “pedagogy of disruption” by exposing how racism, sexism, and classism jointly form a constellation of oppressive forces informing representations of Black women (Giroux, 2003, p. 122). BFT fosters



a strategic mechanism to confront the dominant assertions that Black women are unrapable, untruthful, and undeserving of public concern. These negative controlling images operate to silence the voice of Black women and make them invisible (Phillips & Griffin, 2015).

### **Findings Related to Current Literature**

In this section, I discuss how the six cultural themes serve as barriers to reporting acts of sexual victimization for Black women. Some tenets are more prominent than others, and not all tenets are discussed. The purpose of this study was to examine the impact that culture has on reporting acts of sexual victimization for Black women at HBCUs. I used CRT and BFT to examine, analyze, and discuss participants' experiences. In addition to analyzing collected interview data, this chapter includes a policy analysis of the newly revised Title IX policy using critical race theory.

Black women in this study did not find the reporting structures for sexual victimization sufficient on the college campus. Additionally, they expressed that the process did not protect them because they were **Black women**. Moreover, they collectively expressed that Title IX and other laws were not enacted to protect them; therefore, they had no expectations they would benefit from such laws. As Black women caught in the duality of race and gender, they recognized that as women, the laws might not adequately protect them, but as Black people, they were ineligible to demand or expect such protection (Yarbrough & Bennett, 2014). As a result, participants spent most of their interviews discussing how Black culture or Black-only experiences, such as slavery, impacted them and acted as barriers to reporting.

### **Religion**

Data collected from participant interviews support the premise that religion and religious beliefs impact whether Black women report sexual victimization. Most Black churches adopt a

hegemonic ideology about Christianity that serves as the basis for its operations, rooted in White patriarchal frames. Parishioners are taught, without question, that God is a male. In scriptures and text, God is referred to as “He.” Jesus, the son of God, is both male and White (Cole & Guy-Sheftall, 2003). Operating from these beliefs, the Black Church reinforces racial and gender stereotypes that delegate Black women as subservient. Just as the male God is head of the church, the male (husband) shall be head of his house. This highlights the CRT tenets of racial permanence and Whiteness as property.

### ***Racism is Ordinary***

Categorizing God, the supreme entity, as both male and White suggests to White people that they are also supreme beings because they are like Jesus. “Christianity was literally used to justify slavery and for the White man to hold slaves, you know, and so that they wouldn’t run away, or that God intended them to be slaves ... there’s a higher being who wanted you to be a slave” (Barbara, pp. 23–24). Within the same context, if race were insignificant, then Jesus would not have Whiteness ascribed to his description. The permanence of racism within the confounds of religion perpetuates a social hierarchy based on race, with the White male being tantamount to God.

### ***Chastity***

The Black church has also adopted White Christian ideology regarding chastity and sexual promiscuity without challenging the impact that these beliefs have on Black women due to stereotypes (Collins, 2005). The chastity paradigm implicates both Whiteness as property and intersectionality. Whiteness centers the norms, beliefs, and assumptions of White people as the norm (Gillborn, 2015). Intersectionality addresses how multiple forms of inequality and identities interrelate (Gillborn, 2015). Moreover, how Black women experience religion depends

on the power structure regulated by race, gender, and class (Weber, 2015). Traditional Christian ideology frames virtue around a virginal, White woman who birthed the Messiah. Contrarily, Black women are labeled as sexually promiscuous, yet their religious upbringing requires them to “be like the virtuous Virgin Mary” and “not have premarital sex because sex causes problems” (Angie). The idea that “Mary was a virgin, she was pure, she was Jesus’ mother, so just even showing the characters in the Bible” (Barbara) implies how Black women are expected to behave. For Black women carrying the weight of religious chastity, “keeping up a certain face or like keeping a façade to look perfect in general” (Debra) is critical. This burden of perfection is a silencing agent.

As the cornerstone of Black society, the Black church has impacted Black music, fraternal organization, politics, and social justice. Its failure to critique its own complicity in the constant degradation and discrimination against Black women is disappointing. Black women are taught that “we are supposed to keep our legs crossed, our ankles crossed, and sit with our legs closed” (Angie).

The participants in this study described how the Black church influences their self-perceptions and willingness or unwillingness to report acts of sexual victimization. Black women are taught that they must achieve the level of purity ascribed to White women to be valued. Religion presents a double-edged sword and serves as a barrier for Black women reporting acts of sexual victimization. The conservative messages of chastity dissuade them from reporting because they do not want to be perceived as unchaste. The messages they received from the Black church were conservative and centered around chastity and reliance upon God.

### ***Spiritual Reliance***

Black families perpetuate the spiritual reliance on God and the notion that God will take care of everything. Like all other Black people, Black women are highly encouraged to just pray about situations and let them go. No other course of action is encouraged; therefore, no other action is needed or taken. According to Angie, “I don’t have to report it [sexual victimization] because I’m gonna eventually get through it. This too shall pass ... Pray about it and let it go.” Religious upbringing encourages Black women to talk only to God about any problems they experience, especially those considered taboo, like rape. “So, you know, just pray your situations away, you know, talk to God. Just ask God, and everything will be fine. It’ll make your situation better” (Barbara). Family members or church family members specifically tell Black women to pray, talk to God about their trauma and healing, and forgive the person that assaulted them. As a result, they are discouraged from reporting, and religion is used as a mechanism to pacify the traumatic experience of sexual victimization. Consequently, religion served as a barrier to reporting acts of sexual victimization for Black women and concurrently served as a mechanism to encourage their silence.

### **Code of Silence**

The unwritten code of silence forbids Black people from airing dirty laundry and prohibits Black women from reporting sexual violence against Black men (Yarbrough & Bennett, 2000). During the Clarence Thomas/Anita Hill proceedings, many people in the Black community were offended by Ms. Hill’s public allegations against Justice Thomas, a high-ranking Black man. Within the Black community, racism is the preeminent root cause for all of our problems and must remain in the forefront for the sake of racial solidarity (Bell, 2004). This

ideology, however, keeps the oppression of Black women suppressed within the Black community, a place where they should find solace and protection.

The phrase “What goes on in this house stays in this house” was articulated by each participant. Participants in the study consistently discussed how the code of silence is reinforced. While the code of silence is applied generally to any family business matter, reporting it is strictly forbidden in matters related to sexual victimization, particularly when the assailant is also Black. The code of silence and “what goes on in this house stays in this house” likely originated during slavery out of the distrust of White enslavers and overseers. During slavery, Black people “had to be secretive in a different way so they don’t get in trouble ... we couldn’t report that we were raped by a White man because we’d just get in trouble. So, I guess that’s just kind of followed along down the line” (Connie). Sharing information about another enslaved person would often lead to harm or danger to the person. Through experiences, Black people learned not to share information about each other to those outside of the kinship, real or fictive.

### ***Mistrust (Suspicion)***

Black women are socialized not to trust and always be suspicious of law enforcement or any White person in power. This mistrust exists even if there are no direct experiences to support the rationale. As products of a racially hostile society, Black women manifest discomfort and outright refusal to report acts of sexual victimization. For them, there is no one that they can trust who will protect their best interests. This mistrust is compounded for those who experienced sexual victimization by close friends or family members. “If you don’t grow up in a stable environment where you can trust whoever is taking care of you, then you will have less of a chance trusting other people. Why would I trust you with something, especially something so open, so vulnerable, and very emotionally traumatizing for me? Why would I do that if I can’t

even be open with my family?” (Angie). For participants in the study who were victimized by friends or close family members, the code of silence becomes a co-conspirator to the victimization.

### ***Distrust (Experience)***

Black women find themselves distrusting individuals within the Black and White communities. Their experiences have taught them that breaking the code of silence would be more detrimental than helpful. Law enforcement will not protect them, and the Black community will perceive them as turncoats and ostracize them. Blacks do not trust law enforcement based on their direct or indirect experiences. According to Angie, “We can’t trust cops. And that’s just in the societal thing.”

Breaking the code of silence has consequences within the Black community. Those who report are labeled as traitors, snitches, and conspirators. They become a tool for the White man to continue to devour and destroy the Black community. Remember, for the sake of community identity, Black women are taught and expected to be Black first.

### ***Intersectionality***

Consider the message. Black women are Black, first and foremost; therefore, it is incumbent upon them not to create any additional burdens for Black people, particularly Black men. Connie specifically expressed that she would be disadvantaged in a student judicial proceeding because she was “a Black woman and the government sometimes don’t care for Black female[s]” (Connie). The proposition that Black women are Black first and women second underscores the critical importance of intersectionality. For Black women, their identities lie in the combination of both their race and gender. These two items, while distinctly distinguishable, cannot be separated. Their positionality results from their experiences in either being Black or

being woman and being both Black and woman. The characteristics, and therefore their perspectives, are unextractable from the single identity as a Black woman.

Consequently, the code of silence creates a perpetual, self-fulfilling prophecy. Black women believe they cannot trust anyone to help them; therefore, they are unwilling to report acts of sexual victimization to receive help. “I realized that they don’t really take us seriously because if it was a White woman on this campus, then they would have done the whole nine yards” (Angie). Conversely, Black women do not receive help because they do not report. They are unwilling to betray their community and be labeled as traitors to save themselves. And why would they? Black women belong to an ethnic-racial group that has witnessed or heard stories about their relatives being beaten, raped, or even killed. They do not assume that law enforcement will protect them because history has taught them that they will not be. “Even though the laws have changed, it don’t matter if you get raped” (Connie). Therefore, there is no rational basis, even today, for Black women to believe that the laws and processes of the American justice system will protect them (G. E. Wyatt, 1992). Black women are safer within their communities than outside of them. This strong need to preserve the Black community is rooted in slavery trauma.

## **Slavery**

The enslavement of African people by White European settlers facilitated the formation of an economic and social system that would relegate Black people to be the chattel and property of Whites. By being White, they were entitled to designate another human being as an animal and own them. Whites adopted ideologies during slavery to dehumanize Black people and eliminate their rights as human beings as methods of suppression and control. Participants in the study believe that the narratives established from the institution of slavery “really took a toll on

how we do things and how we move” (Angie). The slavery system exemplifies the tenets of CRT of racial permanence and Whiteness as property.

### ***Dehumanization***

To maintain the economic system of slavery, White people established a prevailing belief that Blacks were inferior (Bell, 1992). Consequently, Blacks were subject to the law but unable to benefit from the protections of the law. Black women faced unusual cruelty during slavery. As chattel, they were raped and forced to bear children who would become slaves and additional labor for Whites. “That affects how others view us when it comes to sexual assault because we were always look[ed] at as sexual objects. You’re here just to have sex with your master, you’re here just to have his kids, that’s it” (Angie). White men were allowed to treat them as sexual property (Collins, 2005).

### ***Racial Permanence***

By analogizing Blacks to animals and labeling them as property, Whites fostered stereotypes about Black female sexuality that exists today. “Black women were always looked at as animals and chattel as if we’re not human. So, a lot of Black women were-their jobs were to have babies, and it was just very objectifying” according to Angie. These ideologies set forth a legal context that failed to recognize Black women as victims of sexual violence or rape. American slavery produced controlling images of Blacks as bucks, jezebels, and breeder women (Collins, 2005).

The criminal justice system was designed and constructed under flawed racist principles that Black people and women are inferior. As such, racism is permanently embedded in the American legal and social structures. The notion that “all men are created equal” only pertained



to White men when the Constitution was written. The laws were never created or intended to protect neither Blacks nor women, especially not Black women.

Contrary to the virtuous images of White women, the hypersexual classification of Black women served, and continues to serve, as a form of oppression. The legal system has ignored Black women throughout American history and failed to view them as legitimate victims (G. E. Wyatt, 1992). This systemic failure to recognize Black women as worthy of protection manifests 400 plus years later. The participants in this study believed that the institution and remnants of slavery continue to serve as a barrier to reporting acts of sexual victimization. The institution of slavery set forth perceptions about Black women, generational traumas, and the racism inherent within the social, economic, and judicial systems. “I just feel like slavery really took a toll on how we view ourselves and how we do things and how we move” (Angie). “I really feel like it comes back to slavery, it’s just a cycle of, it’s just psychological trauma that they have put, that White men and women have placed upon us” (Angie). Although the 14th Amendment generally abolished slavery in 1868, slavery and the lessons learned therein cemented the permanence of racism and the property of Whiteness in this society. The remnants of slavery continue to impact whether Black women will report an act of sexual victimization.

### ***Erosion of Black Nuclear Family***

For Black women in this study, the erosion of the Black nuclear family during slavery and the Jim Crow era put Black women at an extreme disadvantage and left them vulnerable to society’s ills and unprotected by Black men.

When Europeans took Africans from Africa to America, they split up the men and women ... if you take the strongest person in a family, which is the male, who’s supposed

to be the protector, the provider from the women and children, then you have nothing.

(Angie)

Unlike White women, Black women do not have knights in shining armor rescuing them from evil villains.

### ***Whiteness as Property***

The property of Whiteness is critical in maintaining racial caste systems. Social control practices such as lynching and rape were so embedded in the racist fabric of American society that they required ideological justifications (Collins, 2005). Blacks were labeled as promiscuous and sexually deviant to justify such heinous acts of violence against them by Whites (Collins, 2005; Rebollo-Gil & Maras, 2012). More importantly, Black men were socially and economically disenfranchised and in the position of being unable to protect Black women from sexual victimization. Because they could not fight White men back without fear of lynching and death, Black men could not violently resist the rapists of their wives, mothers, or daughters (Collins, 2005).

The enslavement of Africans and the infusion of generational trauma have impacted a generation of young Black women abused and violated by racist and sexist systems. Additionally, the broken remains of the Black family in a hegemonic society that pushes the definition of family as a man, woman, and their offspring leave Black women feeling unprotected. These factors are barriers to reporting acts of sexual victimization for Black women. The fear and trauma have silenced us (Collins, 2005).

### **Misogyny in Hip-Hop**

Hip-hop has emerged as a cultural and economic powerhouse (Rebollo-Gil & Moras, 2012). With a history rooted in political advocacy, the modern version of hip-hop lacks a similar

critical analysis of social issues. It has morphed into a violent and misogynistic cadre of songs and dances that degrade and devalue Black women and exemplify the social construction of race, interest convergence, and the ordinariness of racism in American culture. The participants in this study identified songs and dances when discussing the cultural aspects of hip-hop culture that served as barriers for Black women reporting acts of sexual victimization. In this section, the impact of song and dance will be considered together.

### *Interest Convergence*

Black women are the central focus of the degrading lyrics in hip-hop songs as visually represented by the song's companion music videos. These songs normalize violence, objectification, and exploitation of Black women. Participants within this study notably described the explicit lyrics that often described sexually violent acts against Black women. "[W]hen it comes to sex music, ... instead of saying love, they say fuck. They say their ass, pussy, dick, suck my dick just stuff like very vulgar. They can be very vulgar" (Barbara).

Recognizing how White racism informs and conceptualizes these relationships is necessary for critical analysis. The historical sexual exploitation of Black people includes reproducing racist narratives to justify racial segregation and racism. Additionally, the commodification and treatment of Black sexuality have long been major components of recreating a system of institutionalized racism and are critical to the racist and patriarchal power dynamic (West, 2002). Black women are portrayed as exotic, erotic, and oversexed, negating that Black women can be raped. If they are always sexually available, force is never required (Collins, 2005; Rebollo-Gil & Maras, 2012).

### *Racism is Ordinary*

To evaluate the impact of hip-hop on Black women reporting acts of sexual violence, it must be examined in the context of interest convergence and the preservation of White patriarchy and racialized violence. Most music is owned by White corporations that control music distribution rights and licenses (Rebollo-Gil & Maras, 2012). Since the formation of this country, Black women were “supposed to be the master’s wench,” be “sexual objects,” and “just have sex with your master” (Angie).

The hip-hop genre exists within the context of the U.S. racist and social power structure, whereby the lyrics and visual images of Black women are extremely negative. This constant negativity about Black women reveals an ordinariness about racism that exists in the U.S. While in some respects the sexual degradation of women is for capitalistic gain, as hip-hop music is highly commercialized and also used to sell consumable products, the hypersexual negative imagery of Black women is not constrained to capitalism. The commodification of Black female bodies is also a tool for the preservation of White power. “A lot of music is very derogatory to[wards] Black women because sex sells” (Angie). Consequently, the discrimination of Black women is acceptable if such discrimination ensures the maintenance of the status quo whereby White men are on the top, and Black women are on the bottom.

Furthermore, the sexualized images of Black women in hip-hop must also be understood as a reflection of White patriarchal commodification of Black sexuality. This misogynistic devaluation of Black women perpetuates images of hypersexuality among Blacks. Historical drawings of Black women often portrayed them naked with exaggerated sexual organs (Collins, 2005). “Black women are sexualized in that they’re just always want[ing] to have sex ... we’re supposed to be a hoe. Even the music that we listen to, the things that we watch on TV, always

labeling Black women in this negative way” (Barbara). St. Jean and Feagin (1998) noted that the bodies of Black women were drawn and portrayed as excessively and flagrantly sexual in stark contrast to the emerging ideology of the modesty and purity of a White woman’s body. According to Collins (2005), both the White supremacist images of Black sexuality and hip-hop’s portrayal of Black women influence and fosters compulsory racism explicating institutionalized racism.

### ***Intersectionality***

Another tenet of CRT is intersectionality. Intersectionality explores the interconnectedness of race, gender, and class to help better understand social inequities and the systems that sustain them (Gillborn, 2015). Black women, therefore, experience unique oppression at the intersection of race and gender (Wooten, 2017). “It’s the way that men talk about us, even our own Black men, it’s very misogynistic, and it’s very abusive in a way” (Angie). So often, it is at this intersection of race and gender where Black women become invisible and are often lost in social stratifications that both expect and require their silence.

The culture of hip-hop is one such example. Similar to the code of silence, the hip-hop culture perpetuates the ideology that Black women are required to be their *ride-or-die bitch*. A *ride-or-die bitch* exemplifies a woman who is unwaveringly loyal to her man over and above everyone else, including herself. Her role is to sit back and be quiet as if she is merely an object for his pleasure (Bent, 2017). “Black men have side pieces and everything else, and Black women are supposed to cooperate with that stereotype” (Debra). This commitment knows no boundaries, and the *ride-or-die bitch* is required to tolerate infidelity, abuse, and incarceration. Yet, she is loyal, beautiful, and would never snitch (Bent, 2017). Unfortunately, the *ride-or-die bitch* reinforces the trope of the strong Black woman, who is impenetrable and can withstand any

level of physical, verbal, or emotional abuse hurled at her. Consequently, empathy is never bestowed upon her because she is formidable, and her suffering is almost always ignored (Bent, 2017). The *ride-or-die bitch* exists solely to pleasure and protect her man.

### **Protection of Black Men**

Black women have positioned themselves to protect Black men from systems of racism that are fundamentally engrained in U.S. society. These systems operated overtly for centuries during slavery and postcolonial error. Disguised as a newer version of Jim Crow segregation, structural racism persists in disenfranchising Black people, with Black men being disproportionately relegated to the penal system, underemployed, and boasting the lowest number of degree attainment within the Black/White paradigm. More recently, movements such as Black Lives Matter have focused more attention on dismantling these racist structures. However, due to historical traumas and the endangered species narrative, Black women continue to protect Black men at the risk of disenfranchising themselves.

### ***Trauma***

“In the United States, there developed two parallel worlds existing on the same plane with flagrant double standards to emphasize the purposeful injustices building to the system” (Wilkerson, 2020, p. 146). Black people were lynched and sentenced to death for crimes that would only subject Whites to imprisonment at most (Wilkerson, 2020). The harsh cruelties of slavery and Jim Crow perpetuated terror among Blacks as a mechanism of control. The constant fear of violence or abuse and the visual horror of Black bodies hanging from trees like strange fruit traumatized generations of Black people for generations. These traumas that live on in stories told and passed down from generation to generation served to protect younger Black generations and reinforce hierarchy systems.

It's a gene. Our ancestors went through so much abuse by the White man. They were stolen from their home. They had to deal with whippings, the beatings, and ... the terror.

Seeing family members die and all they could do was hold it in. (Connie)

Blacks were deprived of inalienable rights, such as life, liberty, and the pursuit of happiness, as those things were reserved for Whites. Slavery dehumanized Black people, emasculated Black men, and bequeath a legacy of trauma on the Black community. According to study participants, that trauma manifests within the relationships between Black women and Black men. Law enforcement's brutality against Black men replays on the nightly news as frequently as a GEICO commercial.

For Black women, the compounding of historical trauma with the current manifestation of brutality against Black men today stimulates a primal urge to protect them from inflicting additional trauma. The systems of racism and oppression further complicate whether Black women will report acts of sexual victimization when an assailant is a Black man (Bryant-Davis & Ocampo, 2006). Black women are cognizant of the devastating effects of racism on Black men and do not want to subject them to the oppressive judicial system (Bell, 2004).

It is kind of ingrained in us to protect our own, but it's so interesting because it's at the detriment of ourselves. It's like protect our men at all costs, even if it means we die too. I don't understand that logic. I understand why it could be like that based off of historical trauma and slavery. (Debra)

### ***Endangered Species***

The traumatic experiences of Black men reign higher than those of Black women in a binary hierarchy. Because both oppressed groups are Black, a man's needs are prioritized over the woman's needs. Like study participants, the absence of young Black men in college

contributes to the endangered species narrative for college-aged women. In 2015-2016, Black women obtained 64% of college degrees earned by Blacks, and Black men obtained 36% (U.S. Census Bureau, 2019). On all HBCU campuses, Black women disproportionately outnumber Black men. Black women also have higher enrollment numbers than Black men. Across the University of North Carolina System, the HBCU enrollment numbers range from a low ratio of 58.1% to 41.9% (female to male) at North Carolina A&T State University to a high ratio of 73.5% to 26.5% (female to male) at Winston-Salem State University. On average, Black women comprise 66% of enrolled students at UNC HBCUs, and Black males comprise 34% (UNC Enrollment Data, 2020). Due to the enrollment disparities, Black women perceive that Black men on campus are given deference. “There are more females on campus than there are males. So that ratio is already off. So [we] try to protect the Black men who are in college trying to get through college and who are educated” (Barbara).

### ***Racism is Ordinary***

Racism is an everyday, normal, and ordinary component of American society. Constructed on the ideology that Black people were chattel and not human, the United States has buried structural racism within the intricate designs of this society. This design ensures that Whites will always prevail on top and Blacks will be allocated to the bottom. Examples include the school-to-prison pipeline, the over-policing of Black communities, the unlawful killing of innocent Black people by law enforcement, and the disproportionate number of Black men in prison when looking at the total population of Black men in the U.S. The ordinariness of racism is evident in both subthemes of trauma and endangered species. For White supremacy to thrive, Black people must be relegated to the lowest rungs of the caste system. Racist power structures and the boldness of White supremacy operate to reinforce trauma. While Black men make up the



smallest number of college students, they account for the highest percentage of incarcerated individuals. Disparities within the justice system and the school-to-prison pipeline disproportionately impact Black men and operate to keep them from obtaining college degrees and/or becoming successful adults. Black women know this and have assumed responsibility for protecting Black men through their silence. “We try to protect them from even more negative stereotypes about them” (Barbara).

The need for Black women to protect Black men is borne out of the travesties of slavery whereby Black men were emasculated and could be killed for any or no reason whatsoever. If you “constantly tear him down, tell him he’s not anything, he’ll never amount to anything, and that creates a man who is unable to protect his woman and child” (Angie). Additionally, the high incarceration rates of Black men and the presumed shortage of marriageable Black men support the construction of the endangered Black man persona. Finally, due to systemic racism, Black people face high concentrations of poverty, police brutality, racial profiling, heavy policing of Black and/or poor neighborhoods, and racist educational, occupational, and criminal justice systems. These systemic issues have actual and severe effects on Black communities (Collins, 2005; Rebollo-Gil & Maras, 2012).

As such, the laws will not protect Black women against Black men because Black women are too busy protecting Black men from the police. Persistent legacies of slavery have also silenced Black women’s rape by Black men due to the fear of reinforcing the racist caricatures of Black men’s violent hypersexuality (Omolade, 1995). Rather than appearing to encourage such characterizations and be seen as betraying one’s community, Black women have chosen instead to protect Black men through their silence (Omolade, 1995).

## **Racial and Gender Stereotypes**

Crenshaw (1991) argues that Black women are discriminated against in ways that often do not fit neatly within the legal categories of either “racism” *or* “sexism”—but as a combination of both racism *and* sexism. Yet, the legal system has generally defined sexism as based upon an unspoken reference to the injustices confronted by *all* (including White) women while defining racism to refer to those faced by *all* (including male) Blacks and other people of color. This framework frequently renders Black women legally “invisible” and without legal recourse (Smith, 2013). Intersectionality—the intersection of race and gender—intensifies the marginalization of Black women. “We’re at the bottom of the totem pole” (Debra).

### ***Intersectionality and Storytelling***

The invisibility of Black women’s perspectives and humanity acts as a means to silence her voice. This, coupled with the hypervisibility of dehumanizing Black female caricatures, serves as a damaging reminder to all Black female survivors of sexual violence that not reporting a sexual assault is in their best interests, irrespective of innocence or guilt (Phillips & Griffin, 2015). The “angry Black woman allows people to dismiss a lot of things we say” (Debra).

By using derogatory terms like “ghetto,” “slut,” and “ho,” attention is focused on the Black female bodies while simultaneously erasing their humanity. These statements are reminiscent of colonial ideologies that boisterously objectified and dehumanized Black women to rationalize the violation of Black female bodies, justify enslavement, and silence their voices. In addition to perpetuating Black women’s inferiority, these repeated stereotypes reinforce White men’s perceived superiority to assess and scrutinize Black female sexuality. “Black women have always been looked at as more promiscuous and we want that type of sexual attention, so it doesn’t really mean anything when we report because we were already looked at as sexual

objects” (Angie). In the specific context of sexual violence, terms like “ghetto slut” and “nappy-headed hos” perpetuate the stereotype that Black women are “naturally lascivious” and subsequently unrapable because their bodies always communicate an inherent consent to sexual activity (Roberts, 1997, p. 31; see also Freeman, 1993; Kaplan, 2006). This logic facilitates and rationalizes sexual violence against Black women (Phillips & Griffin, 2015).

Moreover, the idea of a “strong Black woman” continuously perpetuates the narrative that Black women are not feminine or vulnerable. Consequently, no one offers to protect or come to her rescue. She must fend for herself by protecting her rights and defending her dignity (Bell, 2004). “We are keen on the title strong Black woman. You see a lot of women walking around campus now, you won’t know their story until they tell you it, but they sit around being strong and they doing what they gotta do” (Connie). Black women must continue to fight to tell their stories of sexual victimization and raise their voices to deconstruct the myths about them. Sojourner Truth perfectly captured the plight of Black women with her speech “Ain’t I Woman?” in 1851 (Bell, 2004; Truth, 1851, as cited in National Park Service, 2017).

That man over there says that women need to be helped into carriages, and lifted over ditches, and to have the best place everywhere. Nobody ever helps me into carriages, or over mud-puddles, or gives me any best place! And ain’t I a woman? Look at me! Look at my arm! I have ploughed and planted, and gathered into barns, and no man could head me! And ain’t I a woman? I could work as much and eat as much as a man - when I could get it - and bear the lash as well! And ain’t I a woman? I have borne thirteen children, and seen most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain’t I a woman? (Truth, 1851, as cited in National Park Service, 2017)

Sojourner's outcry for the equal treatment of Black women highlights the unequal status among White women, Black women, and the matrix of domination in which Black women find themselves (Bell, 2004). In 1861, her Blackness meant that she would not be afforded the same privileges as White women. Then and today, a Black woman's color often renders her invisible.

### ***Invisibility of Black Women and the Whiteness of the Judicial System***

Racialized gender stereotypes about Black women perpetuated in popular culture are also prevalent in the U.S. legal system. The legal system, birthed out of colonialism, is enveloped in Whiteness, and even more fundamentally, the courtroom itself is a distinctly White space. Ignorant of its own Whiteness, the legal system positions itself as neutral and colorblind while concurrently operates to maintain White dominance and control (Carlin, 2016). Angie attributed the lengthy process for a judicial resolution to race. The delays are "specific to Black women because if it was a White woman who was raped, then the case would have gotten resolved in a timely manner." Whiteness is valued in legal proceedings, with White people being viewed as the epitome of honesty and integrity. White women are also "not questioned as much as a Black woman is questioned" (Angie).

Black women, historically and currently, have been excluded from the protections of the legal system and often do not benefit them. The participants in this study expressed times and spaces of invisibility, recognizing that the criminal justice system and the laws of the United States were not designed and created to protect Black people, specifically Black women. The criminal process is a "waste" for Black women, and cases for White women are "solved in a timely manner" (Angie). Black women live in a country that was not created with them in mind. Consequently, America does not have the structure in place to value and protect Black women, and the laws were not created to protect Black women (Wooten, 2017).

Carlin (2016) found that courts have been used as exclusionary tools against Black people. This originated from colonial laws that barred slaves from testifying against Whites or being recognized as humans and afforded the rights and privileges of the legal system. Consequently, courtrooms comprised only White men and were explicitly and intentionally White spaces, where only White actors were valued (Carlin, 2016). Therefore, the modern courtroom originated from an all-White context developed by White-only participants, using White behavioral norms and White social constructs (Carlin, 2016). Justice, therefore, is White and reserved only for Whites.

Rooted in Black feminist thought (BFT), the informal characterization of Black women teaches them they are subject to public objectification, and neither they nor their voices matter (Phillips & Griffin, 2015). BFT is essential to challenging racist and sexist attitudes about Black women because it humanizes them. Unfortunately, the current dialogue makes it difficult for the White patriarchal society to see and hear her valid (Phillips & Griffin, 2015).

Our society intentionally dehumanized Black women and never permitted them to operate in a space where they could be openly vulnerable. Black women are required to be strong and go on with their lives. Unlike White women, they do not have the privilege of being considered vulnerable, docile, or fragile. These feminine characteristics are reserved only for White women (Bell, 2004). Black women were expected to perform the same physical labor as Black men. From chattel property to jezebel, Black women are invisible and hyperconscious of how society perceives them. These racist, sexist stereotypes serve as barriers to reporting acts of sexual victimization.

## **Summary of Interview Findings**

The data collected in this study strongly suggest that the cultural barriers, individually and collectively, are designed to silence Black women and discourage their voice. Sojourner Truth's poignant question "Ain't I a woman?" over 100 years ago recognized that society had a special place for Black women, where they were neither seen nor heard (Bell, 2004). In the context of sexual victimization, this silencing acts as a means to continue to exert power over them. By speaking out, Black women will regain both their voice and their power.

As the national conversation about sexual violence in higher education demonstrates, survivors' racial and ethnic identities are rarely significant factors of analysis, particularly in terms of distinct cultural understandings of sexual violence and the resulting impact of those distinctions on the willingness to report. Instead, the rape survivor and the perpetrator of rape function as a historic reminder that the system was not created to protect Black women (Wooten, 2017). The recent changes in the Title IX regulations exemplify how race-neutral language and colorblindness within policy implementation reinforce systemic racism in laws designed to eradicate it. In the next section, using CRT, I will discuss how the newly revised Title IX policy will intersect with Black culture to further impact reporting acts of sexual victimization for Black women at HBCUs.

### **CRT Policy Analysis of New Title IX Regulations**

The "grab them by the pussy" mentality of President Donald J. Trump has cemented its way into Title IX regulations, which were enacted, ironically, to prevent gender discrimination (New York Times, 2016). Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., is a comprehensive federal law prohibiting discrimination based on sex in any federally funded education program or activity. Its primary objective is to protect against discrimination

using the influence of federal funds used to support institutions of higher education. Title IX applies to any education or program that receives federal financial assistance, with a few specific exceptions. This includes federal financial aid for students, a critical asset that enables most students to finance their college education.

On May 6, 2020, the U.S. Department of Education released new regulations for Title IX, which took effect on August 14, 2020 (Title IX Policy Analysis, as amended, May 6, 2020). The new regulations took an ax to the former regulations and afford greater protections to the accused. Additionally, in 2011, President Obama issued a “Dear Colleague Letter” as interpretive guidance to Title IX of the Civil Rights Act of 1972 (20 USC 1681) (34 C.F.R. § 106.30(a)). In providing this guidance, the Obama Administration reiterated how the “sexual harassment of students, including sexual violence, interferes with students’ right to receive an education free from discrimination” (U.S. Department of Education, 2011, p. 1).

Whereas the 2011 Dear Colleague letter provides guidance, the Trump Administration implemented sweeping changes to the actual law. In 2017, the U.S. Department of Education withdrew the 2011 guidance and issued a notice of proposed rulemaking, the first on Title IX since 1975 (Melnick, 2020). This was the first full rulemaking on a major Title IX issue since 1975 and the only one ever dedicated to sexual harassment. The department received over 124,000 comments on its proposal and held scores of meetings with interested parties. Its detailed explanation of the final rule ran to more than 2,000 pages (Melnick, 2020). The 2020 election of Joseph Biden as the 46th President of the United States may likely result in the newly implemented Title IX regulations being overturned.

While the current changes to Title IX are numerous, this analysis focuses on particular changes grouped into two categories: (a) Breaking the Code of Silence; and (b) Pseudo-

courtrooms, and the implication that these changes may have on creating additional barriers for reporting acts of sexual victimization for Black women at HBCUs. Additionally, this policy analysis uses critical race theory to deconstruct the seemingly race-neutral assumptions of federal policies (Parker, 2003).

### **Breaking the Code of Silence**

The newly implemented Title IX changes reinforce the narrative that most acts of sexual victimization are false and adopt a presumption of innocence for the respondent. Because men commit most sexual assaults, these presumptions and changes will greatly benefit male respondents and make it more difficult for female complainants to prevail in campus-based hearings. Additionally, these changes will make it more challenging for Black women at HBCUs—to report acts of sexual victimization. For Black women, this presumption is compounded by the racialized, gendered stereotypes about them. For example, while White women have the presumption of pure and chaste, Black women are often depicted and characterized as lascivious and hypersexual. Moreover, Black women have to deal with the ongoing historical, social constructions that they are promiscuous, worthless, and subhuman. This burden has existed since slavery and is complicit in the damaging stereotypes about Black women (Cole & Guy-Sheftall, 2003).

### ***Limitation of Jurisdiction***

One of the recent changes adopted is a narrower definition of locations of incidents that schools are required to investigate. These locations are now limited to only incidents that occur in the United States, on school-owned property, or at school-sponsored off-campus activities (34 C.F.R. § 106.30(a) (2020)). This will remove the school's jurisdiction over independently owned off-campus apartments, fraternity housing, or study abroad programs. In addition, most college



code of conduct policies allow universities to discipline the off-campus behavior of their students. As a result of the changes, colleges will be able to administer discipline over all other violations of off-campus student conduct, except acts of sexual victimization.

Limiting the jurisdiction of the student conduct office will require Black women, who would be more likely to file a report on campus via a known administrator, to file a criminal charge using local, municipal law enforcement. As evidenced by participant interviews, research shows that Blacks generally do not trust law enforcement and are less likely to report criminal acts that involve other Black people. Additionally, the code of silence and protection of Black men as barriers compounds this new requirement. Consequentially, Black women will likely report fewer acts of sexual victimization under the new Title IX regulations (Bothfeld et al., 2020).

### ***Formal Reporting Requirement***

In addition to limiting the jurisdiction, victims are now required to file a formal complaint. The new regulation requires that:

a formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the institution. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the institution) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. (34 C.F.R. § 106.30(a) (2020))

These changes require a formal complaint filed by the victim; the complainant must also sign the complaint. Under previous Title IX regulations, the university could serve as the complainant because acts of sexual violence posed a safety risk to the campus at large. Additionally, victims were not compelled to testify or serve as complaining parties. Requiring Black women to file formal complaints will result in fewer complaints being filed. Participants in this study consistently indicated that the criminal justice system was not designed for or created to protect Black women and that it does not protect Black women. Additionally, filing a formal complaint will require Black women to be willing to break the code of silence and submit themselves to the protection of the police or local law enforcement agency. Poignantly stated by Angie, “we’re not gonna—it’s our business, and we’re not going to tell the world. We’re not going to tell the world.”

Additionally, if a Black man rapes her, she may have misgivings about reporting to law enforcement for fear of reinforcing pervasive racist stereotypes about Black male sexuality borne of the need to protect Black men (Wooten, 2017). “Black women are very protective of Black men because they have witnessed lynching of their sons, fathers, and grandfathers” (Angie). The successful prosecution of sexual victimization charges often depends on the identity of the victim (Kennedy, n.d.). By not situating race as a factor within campus sexual assault programs, Black women lack assurances that their particular experiences will be understood by those who may be responding to the incidents of sexual violence. Likewise, they would not understand how race may influence those incidents (Wooten, 2017). Additionally, when race-neutral policies are enacted, Black women are silenced. These policies affect reporting and impact their experiences with the disciplinary process. Due to perceptions and fear of perceptions are promiscuous or angry, Black women who do not feel safe lack a solid means to express themselves.

Moreover, by filing a formal complaint, Black women subject themselves to scrutiny based on racial stereotypes of being hypersexual and promiscuous. The participants recognized the impact that racism and racial stereotypes have on how they are perceived by society and law enforcement. They understand that they were “automatically viewed as promiscuous” and as having “done something to cause this. Black women have always been looked at as more promiscuous and as sexual objects” (Barbara). These regulations will serve as silencing agents for Black women who are otherwise already otherwise invisible in the justice process.

### ***Actual Knowledge***

Another significant change under the new Title IX regulations is the requirement for schools to investigate a Title IX complaint *only* if they have actual knowledge of sexual harassment that occurred in the school’s educational program or activity against a person in the United States. This means that the school’s Title IX burden is lessened regarding the investigations it is obliged to investigate and adjudicate. Additionally, a school can be held liable under Title IX only if deliberately indifferent to known sexual harassment.

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to an institution’s Title IX Coordinator or any institution official who has the authority to institute corrective measures on behalf of the institution or to any elementary and secondary school employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the institution with actual knowledge is the Respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the institution (34 C.F.R. § 106.30(a) (2020)).

Black women, operating under a cultural code of silence, are unlikely to file a formal complaint or provide actual knowledge to an institution's Title IX Coordinator as required by law or participate in the campus administrative process. "You don't want the whole campus in your business. You don't want people knowing what happened to you."

### **Pseudo-Courtrooms**

The newly adopted Title IX regulations' added provisions will turn administrative proceedings on the college campuses into pseudo-courtrooms that require a "live hearing, with cross-examination" for postsecondary institutions (34 C.F.R. § 106.30(a) (2020)). Additionally, schools are also allowed to adopt a clear and convincing burden of proof standard (34 C.F.R. § 106.30(a) (2020)). The clear and convincing standard is greater than the current preponderance of the evidence standard. As a result, schools will create a taller hurdle for Black women to cross by raising the burden of proof for campus administrative hearings.

### ***Whiteness as Property***

Historically, courtrooms have operated as White spaces, excluding meaningful participation by Black people and other people of color (Carlin, 2016). By formally excluding Blacks from being plaintiffs, serving as witnesses, serving as jurors, attorneys, or judges, the judicial system adopted and maintained White male norms and values, ignorant or oblivious to its own Whiteness (Carlin, 2016). The presumptively race-neutral Title IX regulations ignore the historical discrimination of Black women and set forth policies designed to protect men, particularly White men, from allegations of sexual victimization.

### ***Definition and Standard of Proof***

The new narrower definition of sexual harassment now requires schools to find that the conduct was "severe, pervasive, and objectively offensive" conduct. Additionally, the change in

definition now requires the conduct to be “severe,” “pervasive,” and “objectively offensive” (34 C.F.R. § 106.30(a) (2020)). Thus, while quid pro quo sexual harassment could meet the definition, it is now possible that a single incident of any type of sexual harassment may not meet the new definition.

The clear and convincing standard of proof means that the evidence is highly and substantially more likely to be true than untrue. This is a more rigorous standard than the current preponderance of evidence standard (*Colorado v. New Mexico*, 1984). However, this newly adopted, stricter burden of proof will have a disparate impact on Black complainants because of historical frameworks that label Blacks as dishonest (Carlin, 2016).

In civil, criminal, and administrative proceedings, the credibility and truthfulness of witnesses are often questioned by the trier of fact. This is especially true in cases involving sexual violence. In these situations, there tends to be a presumption that women are not credible witnesses (Carlin, 2016). Moreover, Black women are less likely to be believed about allegations of sexual assault. According to G. E. Wyatt (1992), the Black woman’s credibility has not been as firmly established like it has for White women. Additionally, Black women are assigned the lowest level of credibility because they lack both maleness and Whiteness (Carlin, 2016). The presumption of Black women being dishonest silences them and implicates their willingness to bring charges against their assailant.

### ***Live Hearings***

The final rule adds provisions that require postsecondary institutions to provide the opportunity for a live hearing with cross-examination (34 C.F.R. § 106.30(a) (2020)). At the live hearing, the administrative officer must permit the parties to ask all relevant questions and follow-up questions to the opposing party and any witnesses. This includes the right for the

parties to challenge the credibility of the other party and participating witnesses (34 C.F.R. § 106.30(a) (2020)). Such cross-examination at the live hearing must be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally. Live hearings may be conducted with all parties physically present in the same geographic location, or, at the school's discretion, any or all parties, witnesses, and other participants may appear virtually at the live hearing. Schools must create and maintain a recording or transcript of any live hearing (34 C.F.R. § 106.30(a) (2020)).

The insertion of the live hearing requirement within the new final rule subjects Black women to revictimization and additional trauma. Furthermore, it subjects them to public speculation based on racialized and gendered stereotypes about Black women. Like their mistrust of law enforcement, Black women are less likely to trust regulatory or governmental processes or agents. Even if they can break the initial code of silence by filing the incident report, the live hearing requirement now requires them to tell their business to a larger group of people. Consequently, they are less likely to participate in a formal live hearing and subject themselves, their actions, and their credibility to public scrutiny. Participants in this study were adamant about guarding their personal privacy.

*Like when I say we don't want people in our business because I feel like Black women are very closed off as a whole. I'm not going to involve anybody in my business because that's my business. (Angie).*

### ***Attorneys Present***

The revised regulation allows for attorneys to be present. If a party does not have an advisor present at the live hearing, the institution must provide without fee or charge to that party, an advisor of the institution's choice, who may be, but is not required to be, an attorney, to

conduct cross-examination on behalf of that party (34 C.F.R. 106.45(b)(6)(i) (2020)). During any grievance proceeding, advisors may be but are not required to be attorneys. Institutions may not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties (34 C.F.R. 106.45(b)(5)(iv) (2020)).

However, the presence of attorneys will skew the administrative hearing in favor of men, especially White men. This will add or retain power for those already empowered. While all parties are entitled to an attorney or an advisor, parties that cannot afford a legal representative will be provided an advisor by the university. Due to financial inequities, Black women will be the least likely to afford a licensed attorney whose retainer rates may range from \$200 to \$500 per hour. While Black men may also have limited resources, Black men in special categories, such as athletes, will undoubtedly have hidden benefactors to ensure that they have the best legal representation in campus hearings for sexual victimization. This will likely create common scenarios where the men will have licensed attorneys as their representatives, and the Black women will have campus advisors, thereby perpetuating the systemic inequities in the legal and quasi-legal systems.

### ***Cross-Examination***

The new regulations allow advisors/attorneys to conduct a cross-examination of the parties and witnesses on behalf of the represented party (34 C.F.R. 106.45(b)(6)(i) (2020)). Cross-examination serves as the mechanism to challenge the complainant and witness credibility. Consequently, they are often highly adversarial and rooted in conflict. During cross-examination,

the defense attorney's role is to diminish the credibility of the accuser and witnesses while bolstering the credibility of their client.

Black women subject to cross-examination by an attorney at a campus administrative hearing will be required to fight against the stereotype of credibility assigned to both women and Black people. The social hierarchy of credibility places Black women at the bottom, whereby they are the least likely to be believed (Yarbrough & Bennett, 2000). Whether as a complainant, plaintiff, defendant, or witness, Black women face insurmountable obstacles in a courtroom subject to cross-examination as she is unlikely to be believed (Yarbrough & Bennett, 2000). Racialized gendered stereotypes about her deem her as unreasonable and unbelievable in society and a court of law.

Implementing this new regulation will have a chilling effect on the number of complaints filed by Black women and the number of Black women willing to subject themselves to cross-examination.

### **Conclusion**

The unique familial culture of HBCUs has little impact on how system-wide policies are implemented at public HBCU campuses located within a university system. Policies, and their correlating procedures, are often developed at the system level and passed down to member institutions. Moreover, these policies and procedures are sometimes slanted to benefit the flagship institution.

Race-neutrality in policy is a manifestation of a color-blind social ethos in the U.S., where identifying race is racist (Bonilla-Silva, 1997, 2006). Thus, racism persists through discursive means while disguised as racial sensitivity. Colorblind or race-neutral policies privilege and normalize Whiteness while masquerading as the equalization of all races. By not



accounting for racial differences, sexual violence policy has often promoted the sociocultural values and understandings of such violence from White women's perspective (Wooten, 2017). The inferred neutrality and colorblindness of laws and justice disregard the impact of race and gender on judicial processes, thereby discounting Black women's experiences.

Black women are rarely consistently visible—positively or negatively—in society or popular culture (Collins, 2005; hooks, 1994). For centuries, Black women have faced the world under the auspices of double jeopardy and/or triple jeopardy. They have been burdened by the oppression of race and gender and by race, gender, and socioeconomic status. During slavery, double jeopardy was visible by the expressions and applications of the legal system. As slaves, Black women were subject to the law but not protected by the law (Higginbotham, 1992). They could face criminal charges and sanctions for breaking the law but could not seek justice or protection as victims. The bifurcated design of the colonial justice system kept slaves submissive and powerless, which resulted in the presumed justice for Whites and overt injustices for Blacks (Higginbotham, 1992). Even today, Black women do not possess the privileges of social or economic freedom and often finds themselves submissive in overpowering situations both in their personal and professional life. The phenomenon of double enslavement produces discrimination because she is both Black and a woman and is seen as second class.

Black women are hyper-visible as a vilified sexual object and simultaneous invisibility as a credible subject. The Whiteness, hegemonic masculinity, and upper-class elitism of the judicial system are designed to secure the rights and privileges of rich, White men on the marginalization of racial minorities. As a result, popular perceptions of guilt and innocence in sexual violence cases continue to favor the narratives of upper-class White men. They remain suspicious of and even hostile toward the narratives of Black women (Phillips & Griffin, 2015). In some cases, the

public masses will even vehemently condemn a Black woman's entire personhood if her story threatens the privileges of White masculinity. The system is thereby designed to perpetuate the negative stereotypes about Black women while erasing their voice and humanity (Phillips & Griffin, 2015).

The voiceless invisibility of Black women has sparked a call for resistance and challenged the inter-structure of the oppressions of racism, sexism, and classism as Black women have not traditionally accepted the roles of passive victims or willing accomplices to dominance. Accordingly, Black women have adopted a collective identity and see themselves and their environments differently than what social order has articulated (Collins, 2000).

Black women experience multiple cultural barriers that impact reporting acts of sexual victimization. From a cultural and community standpoint, Black women are prohibited from reporting sexual victimization or breaching the code of silence. The burden for Black women means that some who have been victimized often feel that it is wrong to report these incidents. Black women also face pressure to bifurcate their identities and must choose their racial identity over their gender identity under the auspice that racism always trumps sexism. It is imperative that the interests of the entire Black community be paramount and prioritized to protect the entire community against racism (Yarbrough & Bennett, 2000). Black women have experienced and witnessed the Black community vilifying and isolating those unfaithful to the collective by reporting a Black man to law enforcement. To exacerbate this, Black women, too, have adopted the ideology that Black men are endangered species, and they feel a moral obligation to protect them (Collins, 2005; Yarbrough & Bennett, 2000). Additionally, they are taught and believe that they should only confess their burdens to God, who will protect and sustain them. They need

only to pray about their troubles (Yarbrough & Bennett, 2000). External support from law enforcement is neither encouraged nor available.

As they battle against the oppression that results from the lingering remnants of slavery, the patriarchal Whiteness of religion, the collective code of silence, racialized gendered stereotypes, misogynistic culture, and their ethical obligation to protect Black men, Black women recognize that this, too, shall pass.

## CHAPTER VI: ANALYSIS AND RECOMMENDATIONS

For Black women, race compounds the gender issues, and gender compounds the racial issues. We are unable to hide in the privilege of Whiteness or the power of maleness. We thus are vulnerable to how race, gender, and their respective powers are constructed and represented in the American legal system (Crenshaw et al., 1995). Because of the historical context of rape, Black women are cautious about accepting changes in societal attitudes about their right to be protected from rape. This complicates their behaviors after an assault to seek help (G. E. Wyatt, 1992). In this chapter, I discuss how Black women navigate the intersecting cultural and legal barriers for reporting acts of sexual victimization. The overarching research question and subsidiary research questions are:

- Why do Black women at HBCUs not report acts of sexual victimization?
  - What aspects of Black culture do Black women report influence their decision of whether to report the incident?
  - How does being both Black and a woman influence whether Black women report acts of sexual victimization?

The chapter concludes with a discussion of the limitations of the study, areas for future research, and a brief conclusion to summarize the research for consideration.

### **Cultural Barriers to Reporting**

Cultural barriers exist for Black women, and those barriers impact whether Black women report acts of sexual victimization. These cultural barriers do not exist singularly or in isolation. They intersect and overlap with one another in a manner that complicates and compounds their weight onto the backs of Black women. Those cultural phenomena are: (a) religion; (b) the code of silence; (c) misogyny in hip-hop culture; (d) racial and gendered stereotypes about Black

women; (e) slavery; and (f) protection of the Black male. Religion manifests barriers in two ways: (a) spiritual reliance on God, and (b) chastity. Mistrust and distrust undergird the code of silence in the Black community whereby individuals are taught that “what goes on in this house, stays in this house.” Slavery, and arguably Jim Crow and other systemic racism, constantly reproduce social rules that relegate Black women to the bottom of the social hierarchy. The racialized, gendered stereotype of Black women as bitches and whores work in tandem with the hyper-sexualization of Black women in songs and dances within the misogynistic hip-hop culture impact reporting. Lastly, within the Black community, Black men have been labeled as an endangered species who need protection and preservation from the evils of slavery. Consequently, Black women have now and historically always assumed the responsibility or obligation to protect Black men. Moreover, civil rights laws and policies are constructed to advantage Whites and men, thereby failing to protect Black women from sexual victimization.

Black women experience hostility when reporting acts of sexual victimization. Racialized sexual stereotypes about Black women and the White spaces of judicial and administrative processes create an environment whereby Black women are neither believed nor supported when reporting acts of sexual victimization. The race-neutral civil rights laws that are presumptively designed to protect individuals from violations related to, among other things, race and religion are not effective for Black women. Black women do not perceive that these laws protect them in situations related to sexual victimization. Aligning with Bhabha’s (1983) assertion that colonial stereotypes construct the oppressed and the oppressor, innocence and guilt have been assessed through a binary metric of race and gender. White innocence means Black guilt. Men’s innocence means women’s guilt (Holloway, 2006). Black women are therefore guilty by both

measures. This study also found that cultural barriers impact the decisions of Black women of whether to report acts of sexual victimization.

The interviews of four participants highlight how Black culture influenced their decision to report acts of sexual victimization. In this study, the participants were steadfast in their belief that their social status as a Black woman impacted whether their voice would be heard. They recognized that their voiceless invisibility within the social power structures were designed to limit the power of Black women. We are rarely consistently visible—positively or negatively—in media or popular culture (Collins, 2005; hooks, 1994; Wooten, 2017). We are at “the bottom of the totem poles” (Debra). They were aware of being erased from the narrative as a victim because they had no voice. However, the invisibility of Black women starts in their homes as children and is bolstered by their religious upbringing.

### **Religion**

Religion is extremely important in Black culture, particularly Southern Black culture, and has been a central focus in the rearing and upbringing of children in Black households. Although Black women are invisible, religion helps us to buy into the purity myths. We are not viewed as pure through the lens of White patriarchy. Yet, Black women use this ideology of purity to protect us from hypersexualized narratives and justifications for sexual victimization. As a result, we have learned not to “showcase our sexuality” and be “very conservative when it comes to our sexuality” (Angie).

Generations of unprotected Black women pass on the grace and strength of God as their protection mechanism and method of survival. Black women are often encouraged to pray and positioned to believe that God is all we need. The messaging is clear and consistent. Just pray about it because God is all that you need. Consequently, if you report it to God, the highest

authority, you need not report it to law enforcement. Religion provides spiritual reliance on an entity that is greater than all men. Black women are consistently taught that God will provide for their needs and fight their battles. They, therefore, only need to share their problems with God, no one else. This spiritual reliance on religion and only God for protection reinforce the code of silence. Because no one else can help you, no one else needs to know your troubles.

Understanding the importance of religion to Black culture, Black families should utilize and instill other relevant portions of religious ideology to help minimize and combat victimization of Black women. Contrarily, the scripture also tells us that “faith without works is dead” (James 2:20, KJV). While Black women are strongly encouraged always to have faith, we should also be taught that actions in support of our faith are required. Black women must be empowered to enact radical solutions that facilitate change.

### **Code of Silence**

All participants indicated that they were taught to be silent as young children and that the code of silence was indoctrinated into their lives. The colloquialism “what goes on in this house, stays in this house” set the foundation for years of silence. In Alice Walker’s *The Color Purple*, Pa tells Celie, after an act of sexual victimization, “*You better not tell nobody but God. It’ll kill your mammy*” (Spielberg, 1985). Her silence allows the victimization to continue yielding two children. While this comes from a fictional movie, it reinforces the notion for Black women that silence is survival. This sheer will to survive is passed from generation to generation. “My grandmother was raised off of strict survival. She brought my mother up on survival, you know, just trying to survive and get by ... my mom brought me up on that same issue even though she never really had a direct line of racism. My grandma instilled that in her” (Angie)

Persistent legacies of slavery have also resulted in the silencing of Black women's sexual victimization by Black men because we do not want to strengthen the racist stereotypes about Black male sexuality or betray the Black community (Omolade, 1995). Like Celie in *The Color Purple*, Black women have opted for silence and reliance upon God in search of survival.

The silence of Black women, however, empowers the perpetrators of sexual violence to victimize continuously. As we understand the brutality of the code of silence, Black families must change the messages to their children, especially young Black girls. They must be encouraged to speak up and to speak out. By raising their voices in opposition to violence and victimization, Black women have the authority to take control and acquire power within our evolving society.

## **Slavery**

The kidnapping and enslavement of Africans dehumanized a population of people and set the framework for suffering within a colonized nation. To maintain control of Black people, colonizers developed narratives that Blacks were beastly and animal-like. These narratives were currently used to justify the enslavement and mistreatment of Blacks. History records slavery commenced in the late-1400s/early-1500s (BlackPast.org, 2021) and lasted beyond enacting the Emancipation Proclamation and 13th Amendment, which retained slavery as a form of criminal punishment. Slavery thereby spanned well over 400 years within the paradigm of American history. Slavery produced racialized gendered stereotypes that still permeate American culture. It also eroded the Black nuclear family and positioned Black women at the bottom of the social and economic hierarchy.

The experiences and narratives of study participants indicate that the trauma of slavery has invaded the genetic code of Blacks and been passed down through generations from our



ancestors. “So much abuse ... the whippings, the beatings, the terror ... seeing family members die and all they could do was hold it in and keep doing what they do so they won’t have to face the same fate” (Connie). It is a “kind of ingrained thing in us” (Debra). As a people, they were stripped “from their identities, their culture ... dipped in trauma and abuse ... stripped of everything and humiliated and just humanized” (Debra). “I know it gets tiring and it sounds like a broken record, but I genuinely think that slavery did a number on like what we do, and how we interact” (Debra).

To regain our humanity from the evils of slavery, Black people, especially Black women, must shed the superhuman persona, seek therapy, and utilize mental health resources. We must go beyond breaking our silence and transition into a space of vulnerability historically reserved for White women. We must disassociate vulnerability from weakness and create therapeutic spaces for restoration and healing within a misogynistic society.

### **Misogyny in Hip-Hop**

Hip-hop culture, through songs and dance, propagate hypersexualized images and portrayals of Black women. Because both song lyrics and dance moves simulate sexual activity, these broadcasted images prolong the narrative that Black women are unrapable. Moreover, the violence within the music perpetuates rape culture and glorifies the *ride-or-die bitch*, the ideal mate for a Black man. She is fiercely loyal and can withstand any level of physical, mental, or emotional violence hurled at her in support of her man.

Participants in the study indicated that the Black woman’s willingness to be complicit in participating in rape culture activities further impacts how Black women, in general, are perceived. Additionally, “calling women bitches or hoes, the music that people listen to definitely encompasses rape culture. There are certain songs that even talk about drugging

women” (Barbara). The constant simulating of sexual activity in songs and dances pushes the narrative of hypersexuality among Black people. Moreover, “when they see us doing it as Black men and Black women, then they don’t have a problem with doing it [to us]” (Angie). The willingness to participate in sexualized dances serves as a mechanism to capture “attention, not necessarily sexual attention, but just somebody to talk to you” (Barbara).

Gourdine and Lemmons (2011) found that males and females believed that women could do something to prevent the perpetuation of the negative images. Black women participating in activities that perpetuate hypersexual imagery and rape culture is deemed to be their acceptance, explicit or implicit. If Black women appear to be accepting of rape culture perpetuated in songs and dances, then they lose the ability to speak out against it when an act of sexual victimization occurs.

Black women should be free to own their sexual identities and explore those freely without the burden of White supremacy or patriarchy. Albeit, Black women must embrace their sexuality in that manner consistent with their own ideologies and beliefs and not merely as a response to capturing male attention on the HBCU college campus whereby the male to female percentages are approximately 30% and 70%, respectively. They must be true to their authentic selves and not merely responsive to the allegations that Black men are endangered species that need an order of protection.

### **Protection of Black Males**

Irrefutably, Black men have suffered tremendously due to the remnants of slavery and the Jim Crow era. Systemic racism has led to a disproportionate number of Black men within the criminal justice system and thereby disproportionately underrepresented on college campuses. HBCU campuses have cultivated an environment designed around protecting the Black male.

Some programs operate specifically to address Black male enrollment, retention, and matriculation on many campuses, and additional resources are allocated to foster their success. Black men comprise on average 30-40% of the student population on HBCU campuses, with Black women outpacing them two to one. Moreover, social structures have created systems where Black women are deemed responsible for protecting Black men, even to our own detriment (Pollard-Terry, 2004). As a result, Black women are silenced and are less likely to report violent acts perpetrated against them by Black men.

Black women are conditioned to take care of Black men. Participants in this study were aware of their sociocultural responsibility. Black women must try to protect the Black men who are in college trying to get through college and who are educated ... if we don't protect our own, nobody is going to protect them ... we have to take care of them ... we have to protect them by any means necessary ... [even] if it means lying for them or sticking up for them. (Barbara).

The Rosewood saga of 1923 highlighted the importance of Black women protecting and taking care of Black men (Peters & Singleton, 1997). Almost 100 years later, Black women continue to embrace the imperative to protect Black men, especially those intentionally rising above the stereotypes. Nevertheless, Black women must also hold Black men accountable for protecting them in return. There must be a mutuality of obligations between the sexes. If Black women must protect Black men because Black women are first Black, then Black men should not subvert the Black racial harmony with gender politics by exercising their perceived dominance as men. Black men must also agree to discontinue the subjugation and objectification of Black women with tropes and sexualized pejoratives, like “slut,” “bitch,” and “hoe.”

## **Racial and Gender Stereotypes**

Using terms like “slut” and “hoes,” Black women are both sexualized and dehumanized. Consistent with colonial ideologies, such language objectifies Black women to justify the subjugation and violation of their bodies. These tropes justify the violation of Black female bodies, justify enslavement, and perpetuate their silence. By fostering the ideology of the inferiority of Black women, these stereotypes thereby reinforce White supremacy and patriarchy. The message being that Blacks and women are inferior and Whites and men are superior, with the Black woman being the most inferior and the White male being the most superior. Additionally, sexualized stereotypes about Black women perpetuate the stereotype that Black women are innately lustful and therefore unrapable because their lascivious bodies always communicate an inherent consent to sexual activity (Freeman, 1993; Kaplan, 2006; Roberts, 1997). This stereotypical narrative logic aids in the rationalization of sexual violence against Black women (Phillips & Griffin, 2015).

Sexual violence against Black women is often dismissed as sexual stereotypes undermine our humanity and reduce us to sexual objects. Unfortunately, the pedagogical repercussions of such representations only make it easier to excuse violence against other Black women who come forward and, consequentially, shame other Black women into silence (Phillips & Griffin, 2015).

For participants in this study, each stereotype about Black women perpetuated some level of justification to commit violence against her. Mammy, the grossly obese matriarchal stereotype, is depicted as asexual and unattractive. She is physically undesirable and therefore unrapable. Jezebel is lewd, sexually wanton, and loose. She is hypersexual, and her lascivious behaviors equate to constant consent to sexual activity. She, too, is therefore unrapable. How can

she be raped if she manifested consent? As the epitome of the strong Black woman, Sapphire's strength serves as her enemy and betrays her. It forces her to be strong—something that she may not be. "Black women, we kind of are, deep down, are weak. We need help because most Black women go through a lot of stuff ... we just try to be strong basically" (Connie). No one would believe that such a powerful force, with a sharp tongue, would be unable to fight back or call out a sexual perpetrator.

### **Implications for Theory and Research**

In this section, the discussion of the implications for this study focuses on (a) the code of silence, (b) reducing White spaces in the courtroom and administrative process, (c) challenging the misogyny of hip-hop culture, and (d) owning the power. First, we must recognize the ordinariness of racism, acknowledge the unique paradigm of intersectionality, and disrupt the dominant ideology to remove the barriers to reporting acts of sexual victimization for Black women at HBCUs. Black women hold a unique position in American society, and these factors converge within Black cultural phenomena to impact their decisions on whether report acts of sexual victimization.

### **Racism is Ordinary**

The social construction of American society is designed to maintain the dominance of White, patriarchal society. The institution of chattel slavery of Black people laid a foundation for racism in America since its inception. The relegation of Blacks as chattel or property dehumanized them. Additional to slavery, the racialized-gendered stereotypes established during slavery set forth the foundation for systemic racism that would normalize racism.

## **Intersectionality/Invisibility**

Crenshaw (1991) argues that Black women are discriminated against in ways that often do not fit neatly within the legal categories of “racism” or “sexism”—but as a combination of racism and sexism. Yet, the legal system has generally defined sexism based upon an unspoken reference to the injustices confronted by all (including White) women while defining racism to refer to those faced by all (including male) Blacks and other people of color. “This framework frequently renders Black women legally ‘invisible’ and without legal recourse” (Smith, 2013, para. 5). Concurrently, the cultural barriers that impede reporting for Black women do not exist in isolation. They intersect, overlap, and collectively exponentially compound the impact on Black women. For example, the racialized, gendered stereotypes of Black women as whores and sluts are reinforced in hip-hop culture through songs and music videos whereby Black women are scantily clad and hypersexualized. The code of silence and distrust of law enforcement positions Black women to protect Black men, even though Black men do not protect them, and feed into the notion that Black men, particularly those on college campuses, are endangered species. These elements are derivatives of slavery and Jim Crow social hierarchies. Religion creates a paradigm for Black women; there is the expectation of purity and chasteness, but society has predefined us as impure and rendered us invisible.

## **Black Feminist Thought**

Using intersectionality and Black feminist thought, the thematic analysis identified intersecting and overlapping cultural barriers, the intersectionality of race and gender, and amplified the voices caught in the silence of survival (DeCuir-Gunby et al., 2019). The commonality of experiences and Blackisms enabled me to assign meaning to similarly shared experiences (Riessman, 1993).

Black feminist thought (BFT) is situated in opposition to dominant public pedagogy and becomes a “pedagogy of disruption” (Giroux, 2003, p. 122) by exposing how racism and sexism work collaboratively to create oppressive representations of Black women. From this stance, BFT cultivates a tactical means to challenge dominant assertions that Black women are unrapable, untruthful, and undeserving of public concern (Giroux, 2003). To this end, the questions guiding our analysis are: How do Black cultural experiences serve as barriers to reporting acts of sexual victimization for Black women through hypervisible understandings of race and gender? And How do cultural expectations control Black women by silencing their voices and making them invisible? (Phillips & Griffin, 2015).

With an approach rooted in Black feminist thought (BFT), these findings illuminate how the negative characterization of Black women teaches them as survivors that they are invisible and that their voices do not matter. BFT serves to humanize Black women and challenge racist and sexist discourse that make it difficult to visualize Black women as victims (Phillips & Griffin, 2015). Black cultural experiences shape narratives about reporting sexual violence for Black women. Black women are taught that they are invisible, their interests are rarely considered, and they must be silent to ensure their survival.

### **Implications for Practice**

In this section, I discuss the practical implications for this study regarding (a) the code of silence, (b) misogyny, (c) disrupt and dismantle power structures, and (d) reduce White spaces in the courtroom and administrative process. Black women at HBCUs must address the cultural barriers to reporting sexual victimization by changing the power dynamics, and ultimately policy decisions, by harnessing their collective power as they dominate campus enrollment at HBCUs.

Their super majority creates unique opportunities for radical improvements in how sexual victimization is addressed and resourced on campus.

### **Code of Silence**

Black women can work to eradicate the code of silence and stop participating in our own subjectification at the behest of Black men and for the sake of familial or community unity. The #MeToo movement and the Black Woman's Footprint are doing just that. Supported by the tenets of Black feminist thought, Black women in these organizations are creating ways to empower Black women, disrupt the narratives, and dismantle the systems of oppression.

Colleges should adopt new systems of reporting structures that align with how Black women engage. Participants who reported noted that they would often share this information with another Black woman, most often someone they knew and trusted. Within the Black culture, Black women share many secrets within trust circles or Sister Circles, which often comprise friends and female relatives or colleagues. As an implication for future practice, colleges and universities must recognize that their law enforcement units should be diverse and representative of the populations that they support. They should also redesign their sex crimes and investigation units to include social and mental health support, including strategies to minimize revictimization for those who choose to report.

### **Misogyny in Hip-Hop**

Black women can challenge the misogynistic imagery of hip-hop culture, songs, lyrics, and dances. They can refuse to participate in a rape culture that perpetuates their hypersexuality and invisibility. The women of Spelman College illustrate one example of how this can be accomplished. Spelman College is an all-female HBCU located in Atlanta, Georgia, and is part of the Atlanta University Center (AUC), which houses two other HBCUs: Morehouse



University, an all-male HBCU, and Clark Atlanta University, a co-ed HBCU. As a result of a looming protest in 2004 at Spelman College, Nelly canceled a benefit concert (K. Wyatt, 2004). The female students at Spelman planned to protest Nelly's benefit concert in response to his "Tip Drill" video. *Tip drill* is an urban colloquialism for the proverbial ugly woman with a nice body. Within the context of the video, women are only valuable for crude sex (Chron.com, 2004). Their purpose was to protest the denigration and degradation of the hypersexual portrayal of Black women.

The women of Spelman College have also led other protests and charges by calling out the colleges administrators within the AUC for failing to protect the women at Spelman College from acts of sexual victimization from the men of Morehouse University (Lewis, 2020). Black women must continue to dismantle systemic oppressions that perpetuate sexual violence.

### **Disrupt and Dismantle Power Structures**

Black women comprise approximately 70% of the student population on HBCU campuses. Consequently, they can take ownership of the student government association's power structure. With such disproportionate population ratios, Black women are positioned to take the leadership helm for all Student Government Association positions. For public HBCUs in North Carolina, the Student Government Association President is a voting member of the public universities' boards of trustees. This means that the SGA President is the main voice of the students and has the voting power to represent the will of the student body. This position also gives the SGA President direct access to campus Chancellors and Board of Trustees Chairs. The dominant female student population creates a unique mechanism and catalyst for change. By leveraging the fact that they are the dominant population group, Black women would be able to demand and implement administrative changes and provide more culturally responsive resources

for Black women who are sexually victimized. These resources could improve the administrative hearing process for victims.

### **Reduce White Courtroom/Administrative Spaces**

Historically, courtrooms and administrative spaces have been White spaces that specifically excluded Black people from participating in the processes. These legal processes operate to disadvantaged Black women and advantaged White men under the auspices of race-neutral rules and laws. The formal exclusion of Blacks in meaningful participation in legal spaces has rendered courtrooms unsafe spaces for Black women, thereby yielding our silence and refusal to participate in judicial processes. These spaces are often hostile to them, and racial stereotypes about their truthfulness antagonize the judicial process. The judicial system structure assumed White patriarchal norms, which are retained today (Carlin, 2016).

Identity, race, gender, and class impact the successful prosecution of sexual assault cases (Kennedy, n.d.). To address the needs of Black women and eradicate the impact of cultural barriers to reporting, colleges and university should center the victim's cultural identity within the campus sexual assault administrative processes, programs, and resources. By not openly discussing race as a factor within campus sexual assault prevention and response, the particular experiences of Black women will not be understood as to how race may influence those incidents (Parker, 2003). Black women should also have adequate assurances that campus professionals understand how their particular experiences impact their reporting and participation in the administrative process (Wooten, 2017).

College campuses should be intentional on the composition of their student judicial councils. Presumptively race-neutral policies ignore the influence of race on legal procedures. In addition, when race-neutral policies are enacted, Black women are silenced. Culturally

competent policies, especially at HBCUs, that are created to serve the needs of Black students, must be enacted to protect Black women. Moreover, HBCUs should also create safe spaces that are responsive to the cultural influences on Black women.

## **Limitations and Recommendations for Future Research**

### **Limitations of Study**

The onset of the COVID-19 pandemic in March 2020 created a significant limitation to this study. Because of the pandemic, the study was modified to include a critical race policy analysis of Title IX of the Civil Rights Act. Additionally, the pandemic resulted in the closing and social distancing of college students on the UNC System campuses. Students were first encouraged to remain away from campus after spring break and then ultimately asked not to return or asked to leave campus for the remainder of the semester. Closing campuses due to the pandemic disrupted the snowballing process of participant recruitment and eliminated the opportunity for in-person, face-to-face reaction, which was paramount due to the sensitivity of content and the nature of this study. Intimate, face-to-face interactions to establish trust between the interviewer and the participants were necessary.

### **More Research Focused Directly on Black Women**

More research focused directly on Black women must be conducted. Unfortunately, Black women are often a footnote, asterisk, or wrongly generalized in research related to women, undermining our particular histories, needs, and concerns while simultaneously privileging White frameworks and understandings of sexual violence (Parker, 2003).

The intersectionality aspect of being both Black and woman occupies a unique space. When research focuses on race, gender identity is ignored, and racial implications are omitted when research focuses on gender. How Black women navigate the barriers to reporting acts of

sexual victimization is influenced by their culture and experiences. Black women's concern about reporting may be impacted by cultural barriers and include more than a fear of microaggressions or overt racism. For example, if a Black man rapes her, she may be less likely to report due to the cultural mandate to protect Black men or for fear of reinforcing racist stereotypes about Black male sexuality (Parker, 2003). When race is not centered on how a sexual assault policy is written or how procedures are implemented, campus officials lack anti-sexist and anti-racist response practices.

### **Further Topics for Research**

While the study discusses six prominent themes, data yielded additional themes that need further exploration. The theme of the absent Black father was a blind spot in my literature review and preliminary assumptions. As a Black child from a two-parent household with a very present, extremely supportive father, I missed the potential impact that the absent father has on forming the expectations of young Black women. Contrarily, I am fully aware of the importance of the impact of the present Black father; ergo, the absent Black father is tremendously relevant. Participants in single-parent households talked about how the absence of a father impacted their self-valuation and willingness to be complicit in perpetuating rape culture activities for status, attention, and clout. This theme emerged in only half of the interviews and therefore did not meet the threshold for analysis and discussion. However, due to the high rates of single-parent households in the Black community, this theme may need more exploration to determine if the absent father impacts whether acts of sexual victimization are reported.

Parallel to the absent father, another theme that emerged from the data is the presence and influence of the Black matriarch. The absence of the Black father figures yields a Black matriarch, who is the center of the Black family. Once relegated to just being “mammy,” a

racialized gendered stereotype about Black women who were asexual in one sense yet the nurturer for White children in colonial times and Reconstruction. Mammy has reemerged and been redefined within Black Families as “Big Mama,” “Mother Dear, Ma Dear, or MaDea,” “Mother,” “Muh,” or “Granny or Nana.” She is the central, most revered, and beloved figure within the family unit. While the Black matriarch is somewhat mythical brought to life in the Moynihan (1965) report, Big Momma represents the personification of the strength and resilience of Black women. Big Momma survived the ills of slavery and the abuse of White enslavers and persevered during the Great Migration when Black men moved North leaving their families in search of a better life. She persisted despite sharecropping and working as a domestic in White homes caring for White children while leaving her own children unattended. The impact that the Black Matriarch has on reporting acts of sexual victimization should be explored.

### **Critical Reflection**

This dissertation process has allowed me to think about how Black culture and the lessons that young Black girls are taught at an early age inform our decisions to report acts of sexual victimization. Our citizenry as Black women rests squarely in contrast to the political and economic power structure of the United States of America, where the social construction of a racial and classist hierarchy has produced a society that provides substantial benefits and privileges to one group or groups over others. Here, I will share some things that I have seen, some that surprise or do not surprise me, and the things that I hope can come from this work concerning policies and practices.

I am a Black woman whose research is centered around Black women. As shallow as it may seem, by identifying who I am, I give you, the audience or other conversationalists, a quick indication of “who” will show up in this conversation. There is power in self-naming and

identification. I showed up in this moment the way that I show up every place that I go. I am a Black woman. Part of the challenge lies in who I claim to be and who you perceive me to be. Am I Black first, or am I a woman first? That is not a question I would answer, for I am both and exist as both simultaneously. My question is, Who do you *see*? For how you see the world is dependent upon where you sit. Along with my study participants, I sit at the intersection of competing margins with a merged identity all its own. I am a Black woman, an identity which cannot be disentangled.

The hegemony of American society teaches us Black women to hate ourselves, loathe our existence, and conform to the ways of White America. White women are lauded as the standard of beauty, and Black women are faced with an existence whereby our natural selves, body, and hair are deemed illegal or inappropriate. Black women are pushing for the Create a Respectful and Open World for Natural Hair “C.R.O.W.N.” Act (CROWN Act, 2019) to reduce the discrimination that we face due to the hair that grows naturally out from our scalps. These beauty standards impact how our purity is perceived, and ultimately how we are treated. To transform society, we must engage in active intellectual discourse about race to demystify and eradicate the fear in the unknown or the socially constructed myths perpetuated to maintain hierarchy and inequality.

On May 22, 1962, Malcolm X proclaimed that “The most disrespected person in America is the Black woman. The most unprotected person in America is the Black woman. The most neglected person in America is the Black woman.” As I reflect on the state of Black women and the systemic and cultural barriers for us (Black women) to report acts of sexual victimization in 2021, no greater words hold true. Within this proclamation, I challenge the HBCU to do better and be better for Black women. HBCU administrators must understand the importance of this

research. Why is this important? Additional to Black culture, the disrespect, degradation, and abandonment of Black women collectively impact our ability as Black women to shield ourselves from acts of sexual victimization and/or to seek justice or remedies when vile acts occur.

### **The Most Disrespected**

No other group of women in American society has faced the same challenges and obstacles as Black women. I have come to the disturbing conclusion that our American society simultaneously hates Black women yet needs us for its own survival. This hatred manifests in the racist, gendered stereotypes that only exist about Black women. We are Jezebels—hookers and whores, Sapphires—angry, aggressive, and pseudo-masculine, or Mammies—asexual, unattractive, and obese. These tropes were established and continue to exist to maintain the hierarchy systems that place White men on top and relegate Black women to the bottom.

The interview conversations highlighted that my young Black sisters engage in the unconscious perpetuation of their own discrimination. I was dismayed at their own self-unawareness regarding the impact of their actions. They readily admitted to twerking, sexually gyrating against men at parties, and celebrating the hidden rape culture in misogynistic music. These conversations sparked an awareness of it as some of them retold music lyrics and heard themselves say the words. Admittedly, the sound of the beat mesmerized them, like the music of the Pied Piper or Pan's flute. As a self-identified Black feminist, I am not condemning the young sisters for their sexual independence. But the conversations led me to believe that their twerking at parties or consumption of misogynistic hip-hop was not an exercise of their agency but rather a response to social acceptance and peer pressure.

On television, in movies, and videos, we are scantily clad and sexually provocative. We constantly exhibit imagery of being ready for sexual encounters at all times. You are not allowed to cry rape when you are advertising sex. Yet, we are more than these physical manifestations. Black beauty has been co-opted and commodified for the benefit of White women. Our lips are too big, yet the Kardashians and other celebrities and celebrity wannabes of the world regularly pay thousands of dollars to maintain full lips that naturally grow from a Black woman's face. While our butts are deemed too big, plastic surgeons are making millions of dollars on the Brazilian Butt Lift, a procedure that transfers excess fat into your buttocks to enhance your figure. For Black women, however, these images carry a negative narrative and operate to silence our voices and reduce the impact of our screams.

Black music culture would have you believe that we are merely sexual objects on display for a man's gratification and pleasure. Black women are called bitches and whores in everyday conversations, as if those terms were our actual names, like Mary or Kimberly. HBCUs reinforce disrespecting Black women through their marching band majorettes or dancers. These dancers, who are often led by male drum majors and male band directors, showcase sexually provocative dances, often in leotards or other sexually explicit costumes, with names like Dancing Dolls, Motion of the Ocean, Golden Delight, and Scarlet Lace, conjuring up sexual imagery as they buck and twerk as in celebration and support of football players.

The disrespect of Black women exists within the fundamental structure of American society. The founding fathers never intended Black women to be deemed human because we are Black or gain any rights because we are women. The systems were never designed to respect our role in humanity or protect us.



## **The Most Unprotected**

There is no system of justice designed or operationalized to protect Black women. The justice system is White. Lily White. Black women cannot hide in the power of maleness or the privilege of Whiteness and are often left unprotected in an oppressive environment. We are the invisible voiceless. As Black women, we are visible to the naked eye, yet marginalized to the point of legal and social invisibility and deemed inconsequential in both Black and non-Black communities. Socially constructed myths about other Black women and men are reinforced through conservative legal, educational, and social policies that threaten our health, safety, and sanity.

The conversations with the participants helped me realize that young, Black women are not protected and do not believe that they would be protected by a legal system that I represent. As a Black female attorney, I needed to hear this from them and delve into the critical policy analysis to better understand the challenges that Black women experience when deciding whether to report acts of sexual victimization on campus. Evaluating the legal system through the CRT lens highlighted the abundance of Whiteness within the structure and further illuminated its design to protect White men, first and foremost. Anyone else who receives protection is likely the beneficiary of an unintended consequence.

Blacks comprise approximately 5% of the legal profession, with Black women comprising roughly 2% of the legal community (American Bar Association [ABA], 2020). Additionally, law enforcement is also predominantly male. Black women, therefore, are not likely to find someone in the legal system or within a college judicial process with whom they can relate on a cultural level. This is an important missing component in the process. While the code of silence is incredibly strong, the Black women interviewed who did report to law

enforcement typically reported first to another woman or a group of women, which is consistent with Black women's affinity to our sister circles. A Sister Circle is our core group of women who we believe we can trust above all others. They are often biological sisters, aunts, or friends with whom we share a fictive kinship. It is our safe haven. Black women at HBCUs need a sister circle to help them navigate the trauma and reporting process for sexual victimization.

There is a systemic misalignment within society between Black women and Black men. This misalignment is also evident within the world microcosm of the HBCU campus. Black women disproportionately outnumber Black men. The effect is compounded exponentially because the fewer number of Black men plays into the stereotype that college-educated Black men are an endangered species. Consequently, financial and human resources are expended to protect Black men. As a result, Black men on HBCU campuses are coveted and protected.

I know the stories that my participants told. These experiences are based in truth as I have witnessed firsthand college administrators alter the outcome, literally hijack, a student disciplinary process to protect Black male students found responsible for acts of sexual victimization by the hearing board. The videos were more than sufficient evidence to corroborate the victim's account of what happened. There were multiple assailants against this one victim. The details were horrific and traumatizing for those involved in reviewing and handling the complaint. Yet these male students, who were athletes, student government representatives, and honor students, acted smugly, as if they knew they were protected like a foreign diplomat with immunity. I was flabbergasted when their punishment was drastically reduced on appeal to the next administrative level. These actions in a criminal court, corroborated with video evidence, would have resulted in a higher level of accountability. The same excuses told by the participants resonate in my own head because they did not want to see the lives of these young Black men

destroyed. But no one seemed to care that the life of the young Black woman had been forever changed.

With limited availability of resources and competing interests, Black women are excluded and often ignored, even on HBCU campuses, where they make up most of the students. As a result, the needs of the Black woman are neglected.

### **The Most Neglected**

I was not surprised to learn from conversations with the study participants that Black women feel neglected. As a Black woman, I know these feelings and have experienced the same. We, myself included, are taught not to cry in public, especially in front of White people. The legacies of slavery conditioned our ancestors to believe that if you show yourself as a victim, then you will be victimized. As a result, Black women are masculinized, and we are expected to bear a tremendous amount of emotional and physical pain. History has required us to do so.

The resilience of Black women complicates our experiences. Our strength is both our blessing and our burden. Medical professionals do not believe that we feel pain. Consequently, we are more likely to face pregnancy-related deaths than White women and face higher maternal mortality rates and premature births. Our pain and traumas are often ignored. We cannot weaponize our tears because society does not pity us. Black women who experience sexual victimization are also neglected. Supportive resources are often not available or woefully inadequate.

Moreover, institutional responses to acts of sexual violence are not culturally responsive to our needs. We are taught to be silent by repeating, “What goes on in this house stays in this house.” We do not trust law enforcement because we know its connection to bounty hunting runaway slaves. Too often, our campuses’ sexual assault response processes dispatch a police

officer, and we are asked to tell what happened. This is an ineffective response for Black women on any college campus, especially an HBCU. We know the impact that the legacies of slavery have on our current psyche, yet we have adopted the same reporting structure designed for White women. As a result, the sexual violence response process at HBCUs neglects Black women and provides inadequate support for our unique experiences.

Our culture further complicates our responses to White judicial processes. On college campuses, the assailant is often known or an associate. Our socially induced responsibility to protect Black men creates moments of cognitive dissonance as we find ourselves protecting the very individuals that violated us. Our Blackness wages a constant war with our feminism. How can we expect society to protect us when we do not protect ourselves? The experiences impacted by our identity are complicated by all of the mental acrobatics and social foolishness that we must navigate.

With the #METOO movement, Black women raised their voices to challenge the social narratives and call out the disparate treatment we faced when dealing with issues of sexual assault. Unfortunately, as CRT moves to the forefront of social discourse, Black women are faced with more ploys to silence and erase us. States are rallying to pass legislation that would make CRT illegal. The goal is to silence the voices of marginalized people once again and erase Black women from the conversations.

### **Hope for Tomorrow**

As a Black woman, a lawyer, and a higher education administrator, I am disturbed, challenged, and perplexed by the lived trauma that we as Black women experience daily. Furthermore, I am disgusted that HBCUs and institutions of higher education have not collaborated to find better solutions and proper resources to address the cultural barriers to

reporting sexual victimization by Black women. Nevertheless, I remain optimistic and know that there is hope for tomorrow.

Black women are strong and resilient. Not as a racist trope but as a fundamentally necessary means for survival in the United States. We have always pressed forward and will continue to do so as we stake our rightful place in this society. While we have collectively endured more betrayal and abuse than any other group in the United States, we know how to thrive in a world that never intended for us to be deemed as human because we are Black or to have equal standing because we are women. Black women are expected to continue to move forward like enslaved women who birthed babies in the plantation fields and continued to work.

As a Black woman, I know firsthand the history and resilience of my kinship. Black women have endured and survived the harsh brutalities of the United States. We endured the Transatlantic Slave routes. We learned a new language, withstood pandemics, and adapted to a new world order. We survived the brutal sexual violence of White men and the breeding violence with Black men for capitalism. We adapted to the destruction of the Black nuclear family when our husbands were sold to another plantation or headed North to find a better life for the family and never returned. Instead of waiting on society to redistribute resources to support our existence, Black women do what we have always done—create sustenance from scraps. Like making gravy from flour, we create new ways to succeed from leftovers. We are not given the grace or privilege to wallow in pity. Instead, we sharpen our spears like the Dora Milaje and arm ourselves for what is to come. Despite being disrespected, unprotected, and neglected, Black women thrive.

What do I hope comes from this research journey? Ideally, our society would widely accept the theories and concepts of intersectionality. But, instead, CRT is being attacked and

legislated against in several states within the country. White male politicians continue to enact laws and policies that have a disparate impact on Black women. Yet, Black women at HBCUs have a unique opportunity to flip the dynamics based on the traditional ideology about power structures. A change can come.

Black women make up more than 60% of all students on the HBCU campus. Women hold an ample majority on each HBCU campus, except Morehouse College, which is all-male. I want Black women at HBCUs to embrace this power that being in the majority brings and use it to catalyze meaningful change. I hope that we, as Black women, organize and advocate for resources and support that uniquely caters to our needs. This change can begin with us running for campus leadership positions and being leaders in student government associations (SGA) as the President. Why is this significant? In the UNC System, the SGA President is a *voting* member of the university's Board of Trustees. This means that the SGA President has all of the rights and privileges as other trustees. As the governing campus body, the Board of Trustees creates and adopts policies that govern the campus and holds an advisory role to the UNC System Board of Governors, the governing body of the entire UNC System. Policy decisions are made within these governing bodies. Of the campuses that approved my IRB study, zero had female SGA Presidents, yet each had female-majority student populations. Within the HBCUs of the UNC System, only two of the SGA Presidents were Black women at the time of the interviews. If Black women hold the voting power on boards where policy decision are made, then they have an opportunity to advocate for culturally relevant procedures.

Black women should move stealthily into these positions of power coveted by male students. A position of this stature would amplify the voices of the Black women and create an opportunity for meaningful change. While not an HBCU, a vivid example of the power that an

SGA President welds can be found at UNC-Chapel Hill. As a sitting member of the Board of Trustees, student trustees can use their authority as a voting board member to call a special meeting and address important issues. This is extremely significant. Because Black women are the majority on almost all HBCU campuses and a supermajority of two-thirds on others, HBCU female students can take power and forever change the narrative and resource allocation for culturally relevant services for Black women. I have shared this strategy with former mentees. There should never be another male student as the President of SGA unless the Black women on HBCU campuses want it to be.

In addition to the power shift, Black women at HBCUs can use their majority status to demand resources and support for acts of sexual victimization that adequately address their needs in a culturally responsive manner. The first line of recovery should not be a report to the police. It should be within a sister circle of trusted colleagues who can help her navigate the process, like an ombudsman or advocate, and provide her with the social and emotional support she needs. These students should use their majority to influence the administration and demand that their voices be heard and require systemic change. I pray that the college sisters come together and leverage the power of their majority or simply go elsewhere. Imagine if 70% of your financial resources walked away from budgets that are already crippled and inadequate—the result would be catastrophic. As a collective, Black women at HBCUs are the force and change that we need, and they are poised to seize it. It is merely a matter of time.

### **Conclusion**

This study examined the impact of cultural barriers on reporting acts of sexual victimization for Black women at HBCUs. Six prominent themes emerged from the narratives of college-aged women who had experienced acts of sexual victimization. They shared their lived

experiences and stories of how their identity and cultural expectations impacted their decisions. By centering their voices, Black women were empowered and illustrated how slavery, religion, misogyny in hip-hop, racialized gendered stereotypes, the code of silence, and the mandate to protect Black men operate, independently and collectively, to serve as barriers to reporting acts of sexual victimization.

Additionally, using a critical race theory analysis, this study examined the potential impact of the presumptively race-neutral language on Black women in the newly amended Title IX of the Civil Rights Act. The Whiteness of justice ignores the woes of Black women and renders them invisible and woefully unprotected by laws theoretically designed to protect all women. The revised Title IX provisions are couched to protect Whiteness and offer little solace to Black women.

As we move forward with a new presidential administration, I remain optimistic that these changes will be reversed. Moreover, the current social justice waves give me hope as I watch the power and resilience of the #METOO movement. Black women dominate HBCU campuses with a stronghold of 70% of those student populations. With adequate teaching and coaching, Black women are poised to disrupt and dismantle campus practices that continuously ignore them and their unique experiences. They will continue to demand that HBCU campuses address and serve their needs as the chief constituent on the campus. As Black women, we must continue to raise our voices and demolish the silences.



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## APPENDIX A: IRB APPROVAL

**From:** IRB <[ori@approved-senders.uncg.edu](mailto:ori@approved-senders.uncg.edu)>  
**Date:** September 25, 2019 at 11:54:51 AM EDT  
**To:** [ckluttz@uncg.edu](mailto:ckluttz@uncg.edu), [C\\_LASHLE@uncg.edu](mailto:C_LASHLE@uncg.edu)  
**Cc:** [irbcorre@uncg.edu](mailto:irbcorre@uncg.edu)  
**Subject:** IRB Notice - 19-0531

**To:** Camille Kluttz-Leach  
Ed Ldrship and Cultural Found  
Ed Ldrship and Cultural Found

**From:** UNCG IRB

**Date:** 9/25/2019

**RE:** Notice of IRB Exemption

**Exemption Category:** 2.Survey, interview, public observation

**Study #:** 19-0531

**Study Title:** The Impact of Culture as Barriers to Reporting Acts of Sexual Victimization for Black Women at Historically Black Colleges and Universities

This submission has been reviewed by the IRB and was determined to be exempt from further review according to the regulatory category cited above under 45 CFR 46.101(b).

### **Study Description:**

This purpose of this study is to examine the factors that impact reporting acts of sexual victimization by Black women at Historically Black Colleges and Universities (HBCUs). The study will consist of 10 ten face-to-face interviews of female students enrolled at HBCUs. The initial interviews will be limited to 90 minutes and a second follow-up interview may be conducted, if necessary.

### **Investigator's Responsibilities**

Please be aware that any changes to your protocol must be reviewed by the IRB prior to being implemented. **Please utilize the consent form/information sheet with the most recent version date when enrolling participants.** The IRB will maintain records for this study for three years from the date of the original determination of exempt status.

Please be aware that valid human subjects training and signed statements of confidentiality for all members of research team need to be kept on file with the lead investigator. Please note that you will also need to remain in compliance with the university "Access to and Retention of

Research Data” Policy which can be found at [http://policy.uncg.edu/university-policies/research\\_data/](http://policy.uncg.edu/university-policies/research_data/).

## APPENDIX B: CONSENT FORM

### UNIVERSITY OF NORTH CAROLINA AT GREENSBORO

#### CONSENT TO ACT AS A HUMAN PARTICIPANT

Project Title: The Impact of Culture on Reporting Acts of Sexual Victimization for Black Women at Historically Black Colleges and Universities

Principal Investigator and Faculty Advisor: Camille Kluttz-Leach, J.D., (Principal Investigator) and Carl Lashley, Ed.D. (Faculty Advisor)

Participant's Name: \_\_\_\_\_

#### **What are some general things you should know about research studies?**

You are being asked to take part in a research study. Your participation in the study is voluntary. You may choose not to join, or you may withdraw your consent to be in the study, for any reason, without penalty.

Research studies are designed to obtain new knowledge. This new information may help people in the future. There may not be any direct benefit to you for being in the research study. There also may be risks to being in research studies. If you choose not to be in the study or leave the study before it is done, it will not affect your relationship with the researcher or the University of North Carolina at Greensboro. Details about this study are discussed in this consent form. It is important that you understand this information so that you can make an informed choice about being in this research study.

You will be given a copy of this consent form. If you have any questions about this study at any time, you should ask the researchers named in this consent form. Their contact information is below.

#### **What is the study about?**

This is a research project. Your participation is voluntary. Each participant will be required to review the Consent to Act as a Human Participant form prior to participation in the study.

This purpose of this study is to learn about the factors that impact or serve as barriers to Black women reporting acts of sexual victimization at Historically Black Colleges and Universities (HBCUs). This study is significant for several reasons: (1) it will add new knowledge to the literature because Black women and HBCUs have not traditionally been the primary focus in research studies and (2) it will help colleges better understand and support Black women, who make-up approximately 70% of the enrolled students on HBCU campuses.



### **Why are you asking me?**

The study is specifically related to reporting habits for Black women who attend an HBCU. As such, participants must be a Black woman between the ages of 18-35 and currently enrolled as a student at an HBCU.

### **What will you ask me to do if I agree to be in the study?**

Participants will be asked to participate in a face-to-face interview that consists of open-ended questions to provide insight into the reasons why Black women decide whether or not to report acts of sexual victimization. The interviews will be recording using an audio recording device. Interviews will last approximately 60-90 minutes. Sessions that last longer than the allotted time may be terminated and considered for a follow-up interview. Participants may also be asked to participate in a follow-up interview, if necessary, of not more than one hour. The interviews will take place at a mutually agreed upon location on campus. The total commitment time for participation will not exceed 2 hours.

### **Is there any audio/video recording?**

Interviews will be recorded and transcribed to analyze the research data. Because your voice will be potentially identifiable by anyone who hears the recording, your confidentiality for things you say on the recording cannot be guaranteed although the researcher will try to limit access to the recording as described below:

- (1) The transcribed recordings will be assigned a random number that will be not be directlylinked to the participants or participant lists.
- (2) Audio recordings and transcripts of recordings will be stored on UNC Box, a cloud-based, secure platform.
- (3) Data will be destroyed 3 years after the conclusion of the study, in accordance with regulations.

### **What are the risks to me?**

The Institutional Review Board at the University of North Carolina at Greensboro has determined that participation in this study poses minimal risk to participants.

Sexual victimization can have long-lasting physical, emotional, and psychological effects on its victims. These effects include but are not limited to, post-traumatic stress disorder, depression, anxiety, and traumatic memories. Talking about past experiences may trigger the aforementioned effects. Participants will be allowed to pause, discontinue, or terminate the interview at any point without penalty or retaliation if they are unable to continue. In addition, information about free, local counseling and other supportive resources will be available during the interview session. In such cases that the interview is paused but the participant wants to continue participation in the study, an additional follow up interview may be scheduled.

Family Services of the Piedmont has a 24-Hour Crisis Line for victims of sexual assault or domestic violence. For more information, please contact them at: Greensboro (336) 273-7273 or High Point (336) 889-7273.

If you have questions, want more information or have suggestions, please contact Camille Kluttz-Leach, J.D., Principal Investigator at 336-549-5211 or [ckluttz@uncg.edu](mailto:ckluttz@uncg.edu) and/or Dr. Carl Lashley, Faculty Advisor, at [clashle@uncg.edu](mailto:clashle@uncg.edu). If you have any concerns about your rights, how you are being treated, concerns or complaints about this project or benefits or risks associated with being in this study please contact the Office of Research Integrity at UNCG toll-free at (855)-251-2351.

### **Are there any benefits to society as a result of me taking part in this research?**

This study will challenge the preconceived notions of race, gender, and sexism through the Critical Race Theory and Black Feminist Thought lenses. These theories postulate that scholars and practitioners must (re)center the experiences of Black women. Additionally, the experiences can highlight the forms of racial inequalities that are often assumed to be neutral or objective. The experiences of Black woman must be considered to define and shape their own narrative. This information will be used to explore the factors that impact or serve as barriers to Black women reporting acts of sexual victimization at HBCUs. This study may be significant for several reasons: (1) it may add new knowledge to the literature because Black women and HBCUs have not traditionally been the primary focus in research studies and (2) may help to understand how to support Black women as they constitute approximately 70% of the enrolled students on HBCU campuses. The future of campus culture and enrollment sustainability at HBCUs are dependent, in part, upon the ability of HBCUs to address sexual victimization issues pertaining to Black women and to help them feel safe as Black women are the primary customer for HBCUs.

### **Are there any benefits to *me* for taking part in this research study?**

There are no known benefits to participants for taking part in the study.

### **Will I get paid for being in the study? Will it cost me anything?**

There are no costs to you or payments made for participating in this study. Participants will be entitled to a snack valued up to \$15 for consumption immediately before, during, or immediately after the interview from a food vendor on campus. The snack must be purchased at this time and the benefit may not be substituted for cash, payment, or other items of monetary value.

### **How will you keep my information confidential?**

All information obtained in this study is strictly confidential unless disclosure is required by law. Measures will be taken to protect the participant's confidentiality. Participants will not be asked to disclose their name or provide, other than voice, any other personal-identifiable information during the interview. The transcribed recordings will be assigned a random number that will be not be directly linked to the participants or participant lists. Audio recordings and transcripts of

recordings will be stored on UNC Box, a cloud-based, secure platform. Data will be destroyed 5 years after the conclusion of the study, in accordance with regulations.

### **What if I want to leave the study?**

You have the right to refuse to participate or to withdraw at any time, without penalty. If you do withdraw, it will not affect you in any way. If you choose to withdraw, you may request that any of your data which has been collected be destroyed unless it is in a de-identifiable state. The investigators also have the right to stop your participation at any time. This could be because you have had an unexpected reaction, or have failed to follow instructions, or because the entire study has been stopped.

### **What about new information/changes in the study?**

If significant new information relating to the study becomes available which may relate to your willingness to continue to participate, this information will be provided to you.

### **Voluntary Consent by Participant:**

By participating in the interview, you are agreeing that you read, or it has been read to you, and you fully understand the contents of this document and are openly willing consent to take part in this study. All of your questions concerning this study have been answered. You are also agreeing that you are 18 years of age or older and are agreeing to participate, in this study described to you by Camille Kluttz-Leach, principal investigator.

## APPENDIX C: INTERVIEW PROTOCOL

1. Tell me a little bit about yourself.
2. What is your college classification?
3. How old are you?
4. How long have you been enrolled at this university?
5. What is your current living situation?
6. Have you experienced an act of sexual victimization?
7. Did you report it to law enforcement?
8. Talk to me about why you did or did not report it to law enforcement?
9. What impact do civil rights laws and protections have on Black women reporting acts of sexual victimization.
10. Do you believe that there are specific aspects of HBCU and/or Black culture that influenced your decision not to report? What are they and how did those things impact you?