



BLACK HAIR BELONGS EVERYWHERE

LDF's Work to End Race-Based Hair Discrimination

LDF Legal
Defense
Fund

naacpldf.org


FOR DECADES, LDF HAS RECOGNIZED NATURAL HAIR DISCRIMINATION AS RACISM BY ANOTHER NAME. THROUGH ADVOCACY AND LITIGATION, LDF HAS WORKED TO END RACE-BASED HAIR DISCRIMINATION.



What is Hair Discrimination?

Hair discrimination is rooted in systemic racism, and often helps preserve white spaces. Policies that further hair discrimination advance white Anglo-Saxon Protestant cultural norms as the default norms to which everyone should adhere. Hair and grooming policies that prohibit natural hairstyles — like afros, braids, bantu knots, and locs — have been used to justify the removal of Black children from classrooms and Black adults from their employment. With no nationwide legal protections against hair discrimination, Black people are often left to risk facing consequences at school or work for their natural hair or invest time and money to conform to Eurocentric professionalism and beauty standards.

No one should be targeted for being who they are. The criminalization of Black hairstyles must end. Together with the CROWN Coalition, LDF is fighting to end hair discrimination and push for the CROWN Act to become law, prohibiting hair discrimination in all 50 states.



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Why is Black hair special?

The exceptional nature of Black hair goes beyond just cultural differences. The waves, curls, coils, and ringlets that Black hair can have causes it to have unique needs. Black people often choose to wear “protective hairstyles” like braids, twists, and locs to maintain healthy hair and prevent breakage. These hairstyles can be worn for long stretches of time without constant manipulation. The alternative is often to use chemical or heat straighteners that can damage the hair in the short and long term.

Black hair is also an expression of identity and culture. It’s a representation of history and carries deep emotional significance. Historically, Black hair has carried a profound symbolism. Cornrows, locs, twists, afros, bantu knots, and more all have historic connections to Black pride, culture, religion, and history, which makes wearing these styles all the more significant.

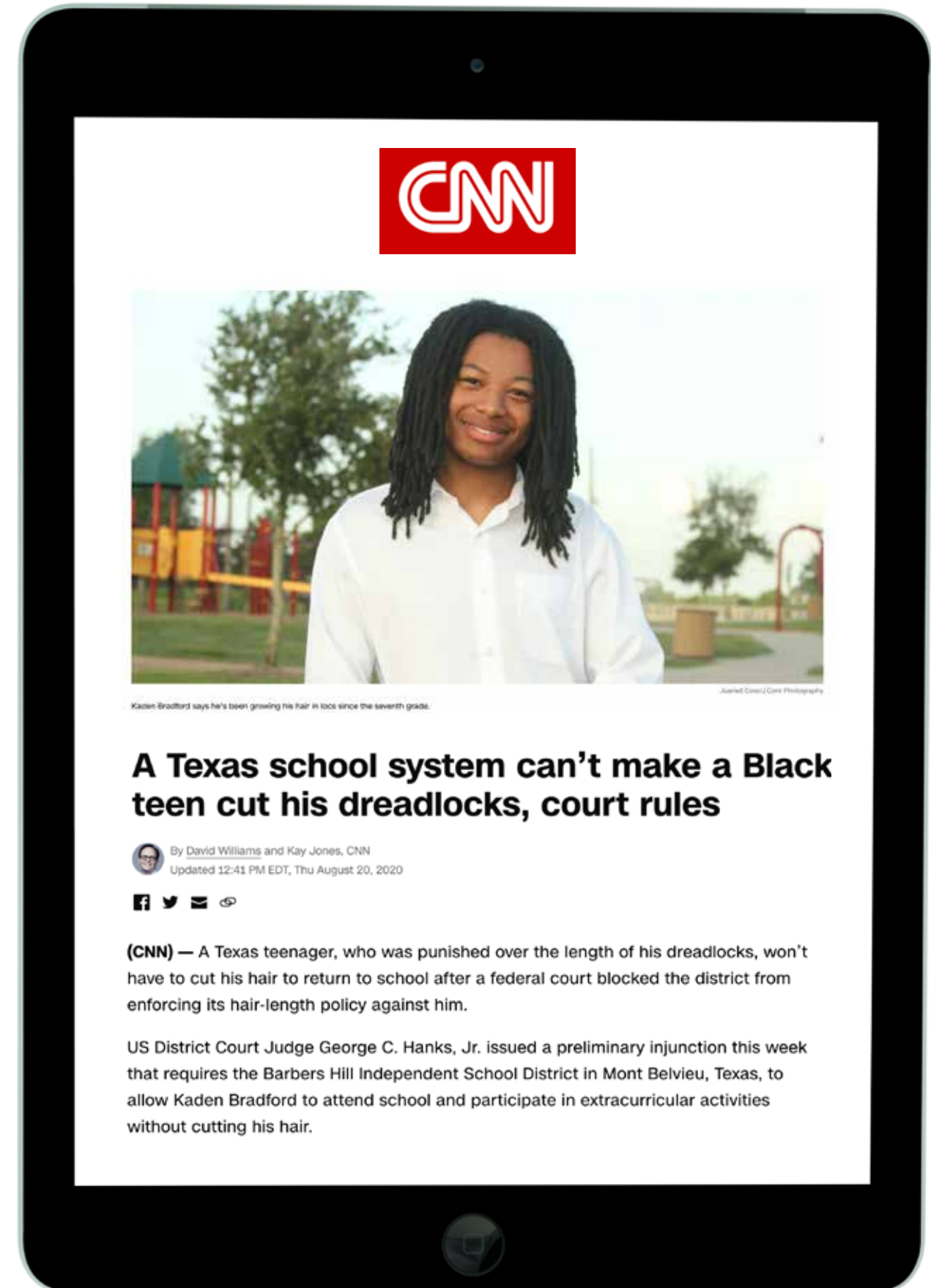
Why is Black hair currently in the spotlight?

Black adults, schoolchildren, and members of the military have long been discriminated against because of their natural hairstyles, such as afros, twists, locs and braids. By penalizing hairstyles that fall outside of Eurocentric norms of beauty, discriminatory grooming policies in schools and workplaces are a manifestation of institutional racism.

The increased attention on Black hair is the result of heightened social media conversations and viral news stories, such as FedEx employees suing the company after they were fired for having locs, De’Andre Arnold and Kaden Bradford, who LDF represents in a lawsuit against the school district that denied them educational opportunities when they refused to cut their locs, and Andrew Johnson, a high school wrestler who was forced to cut his hair to compete in a meet.

The work of the CROWN Act coalition partners has also brought national attention to the need for a federal law prohibiting hair discrimination. For decades, LDF has worked to combat discriminatory policies that target Black hair, and is an ardent proponent of CROWN Act legislation.

THE CRIMINALIZATION OF BLACK HAIRSTYLES MUST END.





How does hair discrimination occur in the workplace?

A 2020 study by Michigan State University and Duke University titled “The Natural Hair Bias in Job Recruitment” found that Black women face the highest likelihood of being subjected to hair discrimination. The research suggests that Black women with natural hairstyles are less likely to get interviews than white women or Black women with straightened hair.

Additionally, researchers found that participants viewed Black hairstyles like afros, twists, or braids as less professional. The study determined that Black women with natural hairstyles are less likely to land job interviews than white women or Black women with straightened hair.

A 2019 study by Dove found that Black women are 1.5 times more likely to be sent home from the workplace because of their hair. 80 percent of Black women reported feeling that they needed to switch their hairstyle to align with more conservative standards in order to fit in at work.

Black people have also lost their jobs or had job offers revoked because of hair discrimination. In *EEOC v. Catastrophe Management Solutions*, Chasity Jones, a Black woman in Alabama, alleged she was offered a job that was then rescinded when she refused to cut her locs. The Equal Employment Opportunity Commission (EEOC) filed a lawsuit against Catastrophe Management Solutions, claiming the company rescinded the job offer based on harmful stereotypes about Black hair being unprofessional.

How do Black people alter their hair for majority white spaces?

Since the late 19th century, some Black people who have more tightly curled hair have used chemicals that “relax” or “perm” the hair, or heated tools like hair irons, hot combs, or blow dryers to straighten their hair.

For many Black people, altering the texture of their hair is considered essential to social and economic success. Hair straightening has long been seen as a way to assimilate to a Eurocentric environment and make those unfamiliar with Black hair more comfortable with their presence.

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How does hair discrimination occur in schools?

Some school policies that ban natural and protective styles are grounds for discipline or removal from school, meaning Black students have been denied educational opportunities because of their hair. 66 percent of Black girls in majority-white schools report experiencing hair discrimination. School grooming policies that ban culturally significant hairstyles deny students valuable instructional time by removing students from the classroom, causing them to miss out on lessons. Black students across the country have been asked to cut or straighten their hair to meet dress codes and grooming policies. When Black students wear their hair in culturally significant hairstyles, they are disproportionately singled out and disciplined for violating various regulations and policies. Some school districts have banned specific Black hairstyles, which prevent students from attending school events like prom, extracurricular and sports activities, and even graduation. Additionally, some educators and sports officials are pulling Black girls from athletic competitions until they remove their beads from their braids. A New Jersey high school wrestler was forced to cut off his locs by a referee before a match.

How does hair discrimination impact children?

The racial disparities in school discipline are well documented and pervasive. Black students are more likely to be suspended for discretionary reasons, such as dress code or hair violations — neither of which have been found to be predictive of student misconduct, according to researchers at Princeton University. These punishments place students on a trajectory toward poor academic performance, leading to higher dropout rates, gang involvement, and getting arrested before the age of 21.

Hair discrimination is rooted in systemic racism and erodes trust between students and the education system that is supposed to care for them. It impacts children as young as five years old. Protective styles, locs, headwraps, and durags are not just core to the protection of Black hair — they are expressions of culture and identity. Policies that discriminate against natural hair have been used to justify the removal of Black children from classrooms and deny them educational opportunities. Discriminating against Black hair reinforces the othering of Black children, enforces harmful stereotypes, and is a form of policing Black identity.



Photo by Michaele N. Turnage Young

What is the CROWN Act?

The CROWN Act, which stands for “Creating a Respectful and Open World for Natural Hair,” is a law that prohibits race-based hair discrimination. The CROWN Act aims to end the denial of employment, educational, and other opportunities because of natural hair texture and protective hairstyles. It prohibits discrimination based on natural hair style and texture, such as locs, cornrows, twists, braids, Bantu knots, fades, afros, and protects the right to keep hair in an uncut or untrimmed state. Specifics of the law vary from state to state and among the localities that have adopted it.

What is the status of the CROWN Act?

As of June 2023, at least 23 states including Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, Oregon, Tennessee, Texas, Virginia, and Washington, 28 municipalities, and the U.S. Virgin Islands have signed the CROWN Act, or legislation inspired by the CROWN Act, into law. Twenty nine additional states have pre-filed, filed, or intend to introduce the legislation.

Federal legislation was reintroduced in March 2021 in the U.S. House of Representatives (H.R. 2116) by Congresswoman Bonnie Watson Coleman and in the U.S. Senate (S. 888) by Senator Cory Booker, both of New Jersey.

Why do we need the CROWN Act? Don't other anti-discrimination laws cover this?

Title VII of the 1964 Civil Rights Act prohibits employment discrimination on the bases of race, color, religion, national origin, and sex. Other federal laws also create protected classes based on age, disability, pregnancy, familial status, veteran status, and genetic information. Hair discrimination is racial discrimination. The CROWN Act seeks to clarify current anti-discrimination laws and make crystal clear that hair discrimination is illegal. While Title VII of the Civil Rights Act of 1964 already prohibits employment discrimination based on race and While Title VII of the Civil Rights Act of 1964 already prohibits employment discrimination based on race, Title VI already prohibits discrimination by federally-funded institutions based on race, and the Fair Housing Act already prohibits housing discrimination based on race, the CROWN Act makes it clear that discrimination based on hair texture and culturally significant hairstyles is prohibited.

Where can I find out more about the CROWN Act?

You can find more information about the status and future of hair discrimination legislation at TheCROWNAct.com. The CROWN Coalition, spearheaded by Dove and Unilever, has created a petition to help end hair discrimination in the workplace and schools.



BLACK HAIR

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**LDF is fighting
to end hair
discrimination
in court.**

Two Recent Cases →

BELONGS EVERYWHERE



OUR IMPACT

LDF CASE

*Arnold v. Barbers Hill
Independent School District*

Filed: 2020

LDF represents De’Andre Arnold, Sandy Arnold, and Kaden Bradford in a lawsuit against Barbers Hill Independent School District (BHISD), located in Mont Belvieu near Houston, Texas. The lawsuit filed in May 2020 challenges BHISD’s hair policy on the basis of race and gender discrimination and as a violation of First Amendment protections.

Midway through the 2019-20 school year, BHISD changed its dress and grooming code to

include a requirement that targeted Arnold and Bradford based on their race and gender. The new requirement made it impossible for Arnold and Bradford to comply without cutting their hair. Arnold and Bradford were told that they would not be allowed to participate in their regular classes or school activities. For Arnold and Bradford, who had been growing out their locs for years, their hair was a source of pride and an expression of their Black identity.

The policy was strictly enforced against the two students after Sandy Arnold spoke about its discriminatory impact at a BHISD Board of Trustees meeting. The two students refused to cut their locs to conform to the school’s discriminatory policy, and both were suspended indefinitely and effectively expelled from the school they had attended for their whole lives. BHISD’s actions denied Arnold the opportunity to finish his high school career and graduate with the class he had been a part of since pre-kindergarten.

Unfortunately, in July 2020, the school board voted unanimously against changing the discriminatory policy. However, in August, the court granted LDF’s request to enjoin enforcement of the policy and allow Bradford to return to classes and school activities while the lawsuit unfolds in court.

the selective enforcement. In the nine days following the news coverage, BHISD issued more hair policy citations than it had in each of the past three years.

LDF sent a letter to BHISD demanding the district take appropriate steps to improve school climate after it failed – for months – to remove “Black Lives Don’t Matter” graffiti from the high school and removed posters of Vice President Kamala Harris and former First Lady Michelle Obama that students had posted in celebration of Black History Month on the grounds that the posters were “divisive.”

After BHISD’s discrimination against Arnold and Bradford came to light, members of the Texas legislature introduced the CROWN Act to ensure

“ My hair has never had anything to do with my behavior or my capacity to learn, but my high school’s grooming policy denied me equal educational opportunities and extracurricular opportunities, including the opportunity to graduate with my peers. — De’Andre Arnold, LDF client

In March 2021, LDF filed an amended complaint arguing that, not only did BHISD selectively enforce its discriminatory hair policy to target Black students with uncut locs, but, when the discrimination made the local news, BHISD ramped up enforcement of the hair policy against other students in an apparent attempt to conceal

that no one is deprived of educational or economic opportunities because of their hair. De’Andre and LDF’s former Director of Policy Lisa Cylar Barrett both testified at the hearing in support of the CROWN Act in April 2021.

LDF CASE

EEOC v. Catastrophe Management Solutions

Filed: 2016

In May 2010, Chastity C. Jones applied to work as a customer service representative with Catastrophe Management Solutions (CMS), an Alabama company. Ms. Jones wore short locs throughout the interview process and CMS hired her on the spot. Nevertheless, after Jones refused CMS' Human Resource Manager's request to cut her locs, CMS rescinded its offer of employment. In 2013, the U.S. Equal Employment Opportunity Commission filed a lawsuit against CMS on behalf of Ms. Jones.

On September 15, 2016, an Eleventh Circuit panel ruled that CMS' refusal to hire Jones because she wears locs does not violate Title VII. CMS used a facially neutral grooming policy that in effect manifested a preference for hairstyles that suit white hair texture, while prohibiting many natural and protective hairstyles that suit Black hair texture.

On November 10, 2016, LDF filed an amicus brief in *EEOC v. Catastrophe Management Solutions*, in the Eleventh Circuit Court of Appeals. LDF was joined by the Legal Aid Society – Employment Law Center and Professors D. Wendy Greene and Angela Onwuachi-Willig. LDF's brief argued in support of a petition for rehearing en banc in this case, which considers whether Title

VII's broad mandate to purge the workplace of racial discrimination reaches a policy that trades on Eurocentric conventions of beauty and professionalism.

Like many other Black men and women, locs are central to Jones's sense of self. CMS forced Jones to choose between gainful employment and remaining true to her racial identity. LDF's amicus brief argued that, to fulfill its mandate, courts should interpret Title VII expansively to reach every dimension of a person's racial identity.

LDF's petition urged the court to consider Jones's case to correct the Eleventh Circuit's ruling. LDF argued that the Eleventh Circuit's ruling departs from established Supreme Court precedent and conflicts with other circuit courts that have decided similar questions, but reached the correct conclusion. CMS' notion that locs will become messy, and are therefore unprofessional, is a false racial stereotype that denied an employment opportunity for Jones. Anti-discrimination laws, like Title VII, were enacted to root out such discriminatory employment practices. Unfortunately, the Supreme Court declined to review the case.



POLITICS

A black woman lost a job offer because she wouldn't cut her dreadlocks. Now she wants to go to the Supreme Court.

Chastity Jones's lawyers argue that racial stereotypes can be evidence of job discrimination.

By Alexia Fernández Campbell | @AlexiaCampbell | alexia@vox.com | Apr 18, 2018, 11:20am EDT



A black Alabama woman who lost a job offer because she refused to cut her dreadlocks is asking the Supreme Court to hear her case.

On April 4, the NAACP Legal Defense and Educational Fund filed a petition to add *EEOC v. Catastrophe Management Solutions* to the Court's docket — a case with serious implications for how racial discrimination in the workplace is defined.

The case revolves around Chastity Jones, an Alabama woman who was offered a job as a customer service representative at a call center in Mobile in 2010. During the interview, Jones wore her hair in short, natural locs and was dressed in a business suit and pumps. An HR manager later told Jones that dreadlocks violated the company's grooming policy because they "tend to get messy." She told Jones she couldn't wear her hair that way at work, and when Jones refused to cut her locs, the job offer was rescinded.



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