

Racial discrimination based on hair texture/style



Executive Summary

School and workplace policies that regulate hair textures and styles disproportionately affect Black children and adults, and may lead to negative educational, economic and health outcomes. Most federal and state anti-discrimination laws do not explicitly define race to include the physical characteristics historically associated with race, such as hair texture and protective hairstyles (e.g., braids, locks, twists). As a result, there is legal ambiguity as to whether education and employment policies (e.g., dress codes, hiring/firing practices) related to hair textures and styles constitute a form of discrimination based on race.

[Senate Bill 145](#), as well as House Bills [282](#), [420](#), [503](#), [1066](#), would prohibit educational institutions that receive state financial assistance or enroll students receiving state financial aid from offering programs and activities that discriminate based on race, including physical characteristics like hair texture and style. These bills also add a similar definition of race to an existing Missouri statute ([RSMo Chapter 213](#)) that prohibits racial discrimination in employment, public accommodations and housing. Over the last three years, seven states and several cities, including Kansas City, have passed similar legislation.

Highlights

- Some **dress codes prohibit natural hair textures and/or protective hairstyles** on the grounds that they are not “neat”, “clean” and/or “professional.” These policies may be considered a form of race-based discrimination because they **disproportionately impact non-White individuals, especially Black girls and women.**
- In schools with zero tolerance policies, **dress code violations can result in suspension, which reduces in-seat learning time and may contribute to future disciplinary actions.** Workplace discrimination based on natural hair textures and protective hairstyles can **limit employment opportunities, as well as present and future earnings.**
- Hair- and race-based discrimination has **negative physical and mental health consequences.**
- **Seven states** (VA, MD, NJ, NY, CO, WA, CA) currently **prohibit education and employment discrimination based on hair texture and style.** The city council in Kansas City, Missouri passed a similar resolution in October 2020.

Limitations

- Most hair anti-discrimination laws have been enacted over the last few years, so there is limited information about how these policies directly impact education, employment and health outcomes, especially over the long-term.

This science note was prepared by MOST Policy Initiative, Inc. a nonprofit organization aimed to improve the health, sustainability, and economic growth of Missouri communities by providing objective, non-partisan information to Missouri’s decisionmakers. For more information, contact Dr. Brittany Whitley, Education & Workforce Development Fellow – brittany@mostpolicyinitiative.org. This was prepared on 2/15/21.

Research Background

Discrimination based on race, color or national origin

The Civil Rights Act of 1964 prohibits any federally assisted program (including schools) from discriminating based on race, color or national origin. Additionally, employers and labor unions are prohibited from discriminating based on race, color, religion, sex, sexual orientation, gender identity and national origin. Missouri law ([RSMo 213.055](#)) also specifies that it is illegal to discriminate in any aspect of employment because of an individual's race, color, religion, national origin, ancestry, sex, disability or age.

Race & hair texture/style: Natural hair texture is influenced by the shape of the tube (follicle) the hair grows from, which varies between individuals and can change with age.^{1,2} Straight hair textures are more common in European and Asian Americans, while highly textured hair (tight curls/coils) is more common among African Americans. Hairstyles such as braids, locks, twists and Bantu knots are considered “protective” because they limit the manipulation of highly textured hair and therefore minimize hair damage/breakage. Highly textured hair and protective hairstyles are less likely to be associated with beauty and professionalism compared to straight hair.³⁻⁵ Policies that prohibit certain hair textures and/or styles may be considered a form of race-based discrimination on the grounds that some hair textures and protective hairstyles have been historically associated with race.⁶

Dress codes & employer practices: Dress codes sometimes include restrictions about how students and employees can wear their hair; some prohibit certain hairstyles (e.g., braids, locks, Afros) or colors, while others require hair to be “neat,” “clean,” and/or “professional.” These policies disproportionately impact individuals whose natural hair is not straight, particularly Black girls & women.⁵⁻⁷ While some policies have been reversed after discrimination concerns have been voiced, previous court decisions have established precedent for upholding dress code/grooming policies (*EEOC v. Catastrophe Management Solutions, 2017*).⁸ Legal action beyond formal complaints is relatively rare and not usually advised by legal experts due to the ambiguity in existing statutory language regarding hair and/or appearance-based discrimination.

Education & employment consequences associated with hair-based discrimination

In addition to students being barred from school events and activities (e.g., prom, athletics), schools with zero-tolerance policies for dress code violations can mandate out-of-school suspensions. The relationship between dress code violations and suspensions has raised concerns about educational losses from out-of-class time and later-in-life consequences of school disciplinary actions, including behavioral issues, increased school dropout rates and an increased risk of incarceration.^{7,9,10} Hair-related discrimination can also influence employer decisions about

hiring, firing and promotions. For example, a recent study found that Black women with natural hairstyles were considered less competent and professional than Black women with straightened hairstyles and White women with straight or curly hair, received less favorable evaluations of job applications and were less likely to be offered an interview.¹¹ This has raised concerns that individuals with natural hair and protective hairstyles have limited opportunities for economic advancement, independent of their qualifications for the job.

Health consequences associated with hair-based discrimination

School and workplace policies that discourage natural hair and protective hairstyles can negatively impact physical and mental health. Some components of chemical straightening/relaxing treatments have been associated with hormone disruption, fibroids and some cancers, although additional research is necessary to support a causal relationship.^{12,13} Because Black individuals, especially Black women, are significantly more likely than their White counterparts to use these hair products, there is a risk that restrictive hair policies can perpetuate racial health inequities.¹⁴ There is also evidence that individuals with chemically straightened hair are more reluctant to get their hair wet during exercise (e.g., sweating, swimming), which can reduce participation in physical activity and sporting events.^{15,16} Lack of exercise is a risk factor for several negative health outcomes that disproportionately affect minoritized individuals, including diabetes, obesity and heart disease.¹⁷ Significant mental health impacts have also been reported by individuals whose natural hair or protective hairstyle is deemed disruptive or unprofessional. Discrimination has been associated with increased anxiety and depression and reduced confidence, which mediate larger overall negative impacts on general health.^{18,19}

Policies in other states

The American Bar Association, along with several medical professional associations and the private and nonprofit organizations that make up the Creating a Respectful and Open World for Natural Hair ([CROWN Coalition](#)) have voiced support for federal, state and local policies, like the CROWN Act, that explicitly ban school and workplace discrimination based on physical characteristics associated with race and cultural identity.²⁰ Seven states (VA, MD, NJ, NY, CO, WA, CA) currently have text related to the CROWN Act in statute, and similar legislation has been filed in twenty states, including Kansas, Oklahoma, Tennessee, Indiana and Kentucky. In the absence of statewide policies, some cities have approved their own policies consistent with the CROWN Act. In a unanimous vote in October 2020, Kansas City became the first city in Missouri to have CROWN Act provisions in place ([Ordinance #200837](#)). Over the last five years, the Army, Navy and Marines have also added some protective hairstyles (braids, locks, twists) to their permitted grooming standards.

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