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Annotated Bibliography- Is Hair Discrimination Racial Discrimination

Anon. "The Unnatural Treatment of Natural Hair: Courts' Failure to Recognize Hairstyle Discrimination as Race Discrimination & the Need for State Legislature Action." FIU Law, 12 Oct. 2019, law.fiu.edu/2019/10/11/the-unnatural-treatment-of-natural-hair-courts-failure-to-recognize-hairstyle-discrimination-as-race-discrimination-the-need-for-state-legislature-action/.

There have been several cases where the courts have ruled that Hair discrimination is not race discrimination. *Rogers v. Am. Airlines*. An African American woman was informed she violated company policy by wearing her cornrows' hairstyle. The court's verdict was based on the cornrow's hairstyle becoming well known based on the movie *Boyz n the City* by the Caucasian actress Bo Derek; therefore, it's an easy change characteristic and not connected with nationality or race. *Stepp v. Rexnord* an African American man overheard the manager that conducted his interview that he was not able to progress with the interview because of his hair. The court decided that it was not enough evidence to prove racial discrimination. *Eastman v. UPS*, the African American man was told to cut off his dreadlocks by his managers. He was told he looked like an alien, and other non-complimentary statements were said to him. He was fired from his position. The court

decision was he did not lose his job based on racial discrimination; nonetheless, he did not comply with company policy. Although, the court did not consider hair discrimination to be racial discrimination the CROWN ACT has.

California, New York, and New Jersey have passed the CROWN ACT legislation that recognizes hair discrimination as racial discrimination. "Clearly, the rest of our nation to recognize that biases and prejudices are rarely ever made explicit anymore and that targeting a sociocultural characteristic of any race is targeting a person of that race". (2)

Bubar Joe, Stowe, Stacy "Your Hair, Your Right? Some students and employees are being targeted for their hairstyle. New hair discrimination laws aim to stop the practice."

New York Times Upfront Magazine, Jan. 2020, Vol. 152 Issue 8, p6-7, 2p

Dress code policies have become discriminatory policies in the workplace and in schools. They have come against certain hairstyles which have been directly focused on African Americans employees and students. These policies have kept African Americans from advancing in their careers in their workplace, engaging in teen activities, and participating in sports events in schools.

It seems that there has been a developmental transformation as you can see the various establishments have changed their policies. Establishments such as the Army and Marines have changed their hair policies and are now accepting braids and Locs. New discrimination laws that have been passed in New York and California have declared hair discrimination as racial discrimination based on hair is an attribute of a race; for this reason, the human rights laws cover it. Other states have followed similar legislation as New York and California. Although some states declared this action as racism, it seems as the supreme court has not. "The Supreme Court refused a request to review a case in which an African American woman had her job offer an Alabama insurance company rescinded in 2010 after she refused to cut off her dreadlocks." (7) Is hair discrimination race discrimination? According to the CROWN legislation in New York and California, hair discrimination is race discrimination.

Jones, Ra'Mon. "What The Hair: Employment Discrimination Against Black People Based on Hairstyles" Harvard Blackletter Law Journal, Jul 2020. Vol 36. P27-45. 19p.

African Americans hair is exquisite it represents their cultural identity and pride. The African American natural hair consists of an assortment of textures and styles. These styles varied through the years; however, it began with the natural hair movement in the 1960s throughout 2010. Today African Americans have embraced their natural hair; unfortunately, they have encountered workplace challenges. Many employers perceive an African American's natural hair as an unprofessional look for their company. Various corporations have incorporated no locks or braids in their dress code policy. This has caused many African Americans to alter their natural hair by cutting, wearing wigs, shaving to look less alarming and more professional. They had no other choice if they wanted to remain employable. Though they have been many court cases tried as employment discrimination based on the civil rights Act, it has been a win and loss experienced in the courtrooms. One of the reasons the court deemed one of the cases not a racial discrimination act was "the courts decided that hairstyles were mutable, or easily changeable traits and, therefore, that people could essentially choose to change their hair to be employable." (32) Is hair discrimination racial discrimination? Although the courts have found hair discrimination is not racial discrimination, there are still means of solving the problem of hair discrimination in the workplace. Three solutions will assist

in eliminating hair employment discrimination. One solution is; that all states would follow the legislation passed in New York and California. The CROWN Act legislation protects from hair discrimination. The second solution will be to make sure the dress code policies in corporate America are culturally inclined, and the third solution is a diverse training for employers.

Kelly III, William J., and William R. Corbett. "Title VII Updates." *Defense Counsel Journal*, vol. 85, no. 1, Jan. 2018, pp. 1–5. EBSCOhost, search.ebscohost.com/login.aspx?direct=true&db=buh&AN=128038139&site=eds-live.

EEOC instituted legal proceedings on behalf of Chastity Jones against her employer Castastrophe Management, for prohibiting her from using the hairstyle of dreadlocks in her place of employment based on their race-neutral grooming policy. The EEOC suit was constituted based on the grounds of racial discrimination in part of CMS. Under Title I. EEOC asserted their argument on the restraint of dreadlocks is race discrimination because dreadlocks culturally are related to the African American race. Is hair discrimination race discrimination in this case? No, the case was dismissed from the courts because the courts believed that CMS did not allege premeditated racial discrimination. Along with, "the court reasoned that the characteristics must be immutable and a matter of birth, not culture." (3) The Title VII of the Civil Rights Act of 1964 prohibits discrimination based on characteristics, not cultural practices.

Marcus, Kristen. "Passing laws on hair discrimination can only do so much." UWIRE Text, 22 Feb. 2021, p. 1. Gale Academic OneFile, link.gale.com/apps/doc/A652668842/AONE?u=nysl_se_nyac&sid=AONE&xid=b7e4d700. Accessed 3 Mar. 2021.

Hair defines a woman's beauty, and it is her most treasured possession; nonetheless, today's culture guidelines have altered how we should look in the workplace and in schools-based on white standards. The state of Connecticut is trying to pass the CROWN ACT legislation to prevent hair discrimination against African Americans in the workplace and in schools. African American students have been deprived of participating in sports, and employees are labeled as unprofessional due to their hairstyles. Despite the fact that social media and society have adjusted to natural hair, it has not improved in the workplace. African Americans with natural hair have been perceived to look like unprofessional employees. Though the passing of the legislation may not do much. "This act would be great if it were to be passed. However, it takes more than a law to be passed for it to be enforced." (1) Yet, it is believed that it would be good for the students since they are trying to find their identity. If hair discrimination is race discrimination its a matter of people's perception.

Mbilishaka, Afiya M., et al. "Don't Get It Twisted: Untangling the Psychology of Hair Discrimination within Black Communities." *American Journal of Orthopsychiatry*, 28 May 2020, 10.1037/ort0000468. Accessed 9 July 2020.

Hair discrimination is defined in this journal as "an unjust and unequal treatment because of group membership" and "a social injustice characterized by unfairly regulating and insulting people based on the appearance of their hair." (594). African Americans have experienced this detrimental treatment from schools and employers based on their hair appearance. A study conducted on 90 African Americans has concluded that the hair's texture, length, and style were the recurring target of hair discrimination. The narrative also shows that this act of discrimination leads to emotional sadness, low self-esteem, embarrassment, and a decline of self-worth. This report aligns with laws being generated to protect the African American people from hair discrimination. Protected laws such as the recent legislative CROWN ACT passed in California will legally prohibit hair discrimination of African American employees and students. The report data proposes training and education for the teachers and students on hair discrimination and hair influence. In addition, a policy development was also recommended, such as the CROWN ACT, to eliminate hair discrimination for African American employees. This policy has deemed hair discrimination to be racial discrimination.

O'Brien-Richardson, Patricia. "Hair Harassment in Urban Schools and How It Shapes the Physical Activity of Black Adolescent Girls." *The Urban Review*, 11 Feb. 2019, 0.1007/s11256-019-00500-x.

African American adolescents and women are among the highest rate of physical inactivity. This physical inactivity in the US has the highest tributes of physical activity. Studies have concluded that the management of their hair and the confrontation with harassment were the reasons for the physical inactivity.

According to the study conducted in this journal of 37 African American adolescent girls, they are unlikely to partake in a physical education class. They avoid gym class because they are susceptible to harassment from the teachers and classmates. "Respondents believed sweating, the byproduct of physical activity, disrupted their desired straight and styled hair. Sweaty hair resulting in messy, frizzy, or puffy hair proved to be detractors of physical activity during physical education class and was avoided at all cost. The respondents expressed having non-sweaty hair was a priority. Sweaty or messy hair caused a range of social stressors including harassment by fellow students, staring, inferior status in their social community, and social exclusion". (12) Society has pressured everyone to believe that straight hair is the absolute representation of clean and neat. Therefore, when an African American girl participates in physical education

classes, she disrupts her hairstyle by sweating and she experiences verbal and physical harassment by teachers and classmates.

The recommendation was to implement a school policy that will suggest that hair harassment was considered bullying. This will assist the girls with their self-image and encourage them to participate in their physical education classes. In these cases, the students have classed the experience of hair discrimination as bullying than racial discrimination.

Palmer, Pamela E. "A Dreaded Situation: Title VII and Grooming Policies." *Minority Trial Lawyer*, vol. 12, no. 4, Summer 2014, pp. 13–14. EBSCOhost,

search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=110673015&site=eds-live.

An African American woman was offered a job and was asked to cut her dreadlocks because it was a violation of its policy. The African American woman was unwilling to cut her dreadlocks; therefore, the company revoked their job offer. The African American sued the company based on The Civil rights Act of 1964 Title VII, which safeguards' employees from discrimination based upon nationality, race, religion, color or sex. The case is known as the EEOC vs. Catastrophe Mgt. the courts dismiss the race discrimination case as they ruled that the company's policy was not against the law and did not violate the Civil Act of 1964. Dreadlocks were deemed a changeable style selection, unlike race which is an inherited trait. The courts ruled that Hair discrimination is not racial discrimination.

Employers have every right to make sure each employee complies with their grooming policies; however, they need to be careful not to have any negative stereotypes about certain race. "A grooming policy must not overburden one race. The 1964 legislature would not have predicted that Title VII would reach all the way to the roots in a hairy situation. but therein lies the beauty of the statute. Title VII'S protections continue to be essential, and the new issues that arise under Title VII prove that the federal statute is timeless." (1)