

Cultural Identity and Workplace Fairness: Legal Challenges in Hair Discrimination Cases

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Abstract. This paper primarily addresses the courts' and society's prejudice against discrimination on race, with a particular focus on hair. Dreadlocks, a hairstyle deeply embedded in African tradition and representing their identity, have been met with pressure to be cut from society or specifically in workplace or schools. Despite their cultural significance and the fact that it shows their sense of belonging. While courts have sometimes affirmed such prejudices, the feelings of those discriminated against are rarely acknowledged and easy to identify. This paper will explore the details of two cases and the final court decisions, alongside personal insights, in order to raise greater awareness of this issue. This article will especially focus on the CROWN Act and Title VII being used for the final court decisions by exploring and analyzing two related cases. The gap between the inflexible final law decision and the reality of people facing discrimination against them.

Keywords: Crown Act, Disparate Impact, Implicit Bias

1. Introduction

In contemporary society, although the affirmative action movement has been promoted for decades, explicit racial discrimination and gender discrimination have been contained to a certain extent, but discrimination has not completely disappeared. This implicit discrimination is particularly prominent in campus and workplace, which are closely related to individual development: On campus, ethnic minority students may be isolated by their classmates, treated with prejudice by their teachers due to cultural symbols such as hairstyles and costumes, and even face the restrictions of implicit racial tendencies in school regulations, such as unreasonable prohibition of protective hairstyles for black students. This will not only affect their academic mentality, but also plant the seeds of self-identity anxiety in the process of growth. In the workplace, even if minority groups have the same or even better professional ability than others, they may suffer unfair treatment in recruitment, promotion, salary and other links due to non-work related factors such as identity background and appearance characteristics, miss development opportunities, and even be forced to make a helpless choice between "hiding cultural identity" and "striving for career prospects." These discriminatory behaviors not only bring long-term psychological trauma to minority groups, resulting in structural disadvantages in social competition, but also seriously hinder the fair distribution of social resources, destroy the pluralistic and inclusive social ecology, and become an important obstacle to the realization of real social equality. Of particular concern is the critical

faultline between current discrimination practices and legal protection. In the United States, for example, although Title VII, the central legal framework against employment discrimination, seeks to prohibit workplace discrimination on the basis of race, color, religion, sex or national origin, The CROWN Act also goes further to include hair texture and protective hairstyle as anti-discrimination protections, but these legal frameworks are often inadequate to deal with the new problems that are constantly emerging in reality. On the one hand, the expression of legal provisions is sometimes ambiguous, and there is a lack of clear and unified provisions on the definition of "implicit discrimination" and the standard of proof, which leads to the difficulty of proof and identification for minority groups in the process of safeguarding their rights. On the other hand, with the development of society, the forms of discrimination continue to evolve, and new discrimination scenarios and methods emerge one after another. However, the revision and improvement of laws often lag behind, making it difficult to cover these emerging problems quickly and comprehensively, which makes some discriminatory behaviors go in the gray area of law and cannot be effectively regulated and punished.

Based on this dilemma, this paper selects two representative cases to explore the disconnect between the legal framework and the practice of discrimination. By sorting out these two cases, this paper will analyze in detail how the protection at the legal theory level fails in practice in specific scenarios, such as how enterprises evade legal constraints and implement discrimination on the grounds of "professional image norms" in the workplace, and how school regulations use legal loopholes to restrict the cultural symbols of minority students in the campus. Furthermore, by clarifying the misalignment between legal theory and practice, this paper hopes to provide valuable thinking for improving the actual effectiveness of anti-discrimination laws. It not only provides reference direction for policy makers to revise and improve relevant laws and fill legal gaps, but also provides reference for judges to more accurately apply laws and protect the rights and interests of minority groups in judicial practice. Ultimately, people will make anti-discrimination work more precise and effective and help build a fairer and inclusive social environment.

2. Overview of Title VII & Crown Act

2.1. Title VII

As the cornerstone of the employment anti-discrimination law in the United States, Title VII explicitly prohibits workplace discrimination based on race, color, religion, gender and national origin [1]. In almost all discrimination lawsuits, lawyers and judges invoke this section to determine whether improper treatment constitutes unlawful discrimination. Its core goal is to ensure equality of opportunity and protect marginalized groups from harm. However, as demonstrated by the cases below, its application is often limited by narrow judicial interpretations.

2.2. Definition of Crown Act

The CROWN Act was enacted to address and close a significant loophole in Title VII of the Civil Rights Act. While Title VII broadly prohibited discrimination in employment based on race, colour, religion, sex, or national origin, it did not explicitly cover hair-related practices. The CROWN Act fills this gap by expressly banning discrimination against individuals because of their natural hair texture or protective hairstyles, such as braids, cornrows, and dreadlocks, thereby ensuring that denial of employment or educational opportunities on such grounds is recognised as unlawful racial discrimination [2].

3. EEOC V. Catastrophe Management Solutions

In the 2010 EEOC v. Catastrophe Management Solutions case, the court dismissed the plaintiff claims due to insufficient evidence, especially regarding the cultural significance of dreadlocks and its intersection with racial discrimination. the Equal Employment Opportunity Commission (EEOC) acted as the plaintiff representing Chastity Jones, while the defendant was Catastrophe Management Solutions (CMS). In October 2010, Ms. Jones passed her interview and was hired. However, no one mentioned that her hair violated company policy until an HR representative told her that her dreadlocks could sometimes be messy, and therefore she would have to cut her hair or be fired. She refused and was subsequently fired. Moreover, the company policy clearly stated that employees must dress professionally and look smart, adding that unusual hairstyles and colorful hairstyles are not acceptable. The matter quickly went to court, but unexpectedly, the case was dismissed due to insufficient evidence.

3.1. Courts dismissal

In 2012, the relevant case brought by the Equal Employment Opportunity Commission (EEOC) was finally rejected, the core sticking point was the obvious contradiction in the logic of its claim and the improper choice of legal basis. First, in the course of the case, the EEOC's core view on whether dreadlocks are related to racial discrimination took an inconsistent turn: at first, it explicitly claimed that dreadlocks (locs) themselves were not related to racial discrimination; But then it pivoted to argue that restrictions on dreadlocks were racist in themselves. This inconsistent position makes its argument inconsistent and difficult to convince the court.

Second, the EEOC is also conflicted about the racial nature of dreadlocks. It has acknowledged that hairstyles like dreadlocks are not "an innate, immutable feature of race" - a statement that essentially diminishes the link between dreadlocks and black racial identity; However, in the subsequent claim, it directly defined the ban on dreadlocks as racial discrimination, which further weakened the rationality of its appeal and made the court question the consistency of its claim.

In addition, in the application of legal basis, the EEOC's choice also has obvious defects. Title VII is the core legal framework of anti-racial discrimination in employment, which can be directly used as the key evidence support of cases; However, the EEOC did not directly rely on this mature legal provision, but tried to jump out of the existing legal system and create a new legal interpretation (the so-called "new provision") to demonstrate its own propositions. This attempt to depart from the existing legal basis not only lacks authoritative basis, but also makes its argument lose solid legal support, which ultimately leads to the conclusion that the case is difficult to establish and is rejected.

3.2. Analyze

This incident constitutes discrimination against Black people. First, dreadlocks are an important part of Black culture. They are not only a means of expressing cultural traditions but also a reflection of identity and a sense of belonging. Banning dreadlocks discriminates against their culture, depriving Black people of the equal right to express their identity and violating the spirit of Title VII, which aims to protect racial and cultural dignity.

Secondly, the CMS policy prohibits exaggerated hairstyles. The term "exaggerate hairstyle" (used to ban dreadlocks) is subjective white employees' hair is rarely labeled unprofessional, but Black natural styles. Also, when people hear this term, they tend not think of hair is tied, but rather about

hairstyles that are unfamiliar or outside their own cultural norms. Furthermore, the HR representative's comment that locs can sometimes be messy directly discriminates based on race. The fact that the EEOC got involved indicates that this matter is related to equal opportunity in employment.

Moreover, dreadlocks should have long been included under racial protectionism. The judge, in was too focused on immutable characteristics, which narrows the scope of Title VII's protection of racial equality.

Finally, the court's focus on "immutable characteristics" is outdated. Race is not only biological, but also cultural. A ruling that refuses to recognize dreadlocks as a symbol of racial culture Narrows Title VII protections and ignores the reality that discrimination often targets cultural expression and not just physical characteristics.

4. Daryl George

In August 2023, Daryl George, a black student at Barbers Hill High School near Houston, Texas, was placed in school confinement (ISS) for refusing to cut off his dreadlocks. George wore his braided hair neatly on top of his head, but the school cited a policy that barred boys from having hair "longer than their eyebrows, ear lops or T-shirt necks" [3]. The school district argued that even if George's hair was tied up, its actual length, if loose, would still violate the rules. By 2024, George had been sentenced to more than 100 days of in-school confinement or alternative teaching-missing core classes and social activities-because of his hair [4].

4.1. Court action

His case was heard in parallel in two courts and found against the George family in Federal Court (September 2023) The George family sued, arguing that the school rules violated the Texas CROWN Act. U.S. District Judge George C. Hanks Jr. denied his request for an injunction that would have suspended the penalty, ruling that the Texas CROWN Act protected only hair style and quality, not hair length though in State Court. The Barbers Hill School District preemptively sued in state court to confirm the legality of its policy. State Court Judge Chap Cain III, echoing the federal ruling, said that the CROWN Act does not declare school district hair length restrictions illegal. Then by 2024, the family had appealed two rulings to the U.S. Court of Appeals for the Fifth Circuit. The argument is that the lower court has misread the CROWN Act; Hair length restrictions disproportionately affect black students who wear protective hairstyles such as dreadlocks, which require a certain length to maintain, and thus constitute racial discrimination [5].

4.2. Analyze

First, school districts pursue hair length policies that completely ignore their differentiated impacts. Although the district claims that the rule treats all boys the same, it disproportionately harms black students. The policy directly limits protective hairstyles such as dreadlocks and cornrows worn by black students that must reach a certain length to maintain their cultural identity and integrity. In contrast, white students generally choose short hair, almost never touch the policy red line, naturally rarely face violations. This seemingly "neutral" enforcement of rules, which essentially excludes the cultural needs of specific groups, forms systematic discrimination against black students and further exacerbates racial inequality on campus [6].

Second, the school district's interpretation of its own policy appears absurd and counterintuitive. The district claims that the hair-length rule is meant to keep students' hair clean and the school safe, but Daryl George's dreadlocks are tightly tied, which meets the basic requirements of cleanliness and safety, and does not violate the original purpose of the policy. However, the school district deliberately avoids the actual state of hairstyles and instead focuses on the "possible length of hairstyles". This unrealistic interpretation reveals the real purpose of the policy. It is not to maintain campus order, but to forcibly regulate students' appearance based on aesthetic standards, which is essentially disrespect and suppression of black cultural symbols [7].

Finally, the court's narrow reading of the Crown Act seriously contradicts the legislative purpose of the Act. The core objective of the Crown Act was to protect black people from discrimination based on natural hair, and dreadlocks and other hairstyles are inseparable from the length of hair that sustains their existence, which is the basis of their cultural attributes and morphological characteristics [8]. If the court split the two, saying that the Act only protects "the dreadlocks themselves, but not the length required to maintain the dreadlocks", it would undoubtedly reduce the scope of the act's protection, leaving black students in a position of no right to defend themselves against hairstyle discrimination, and ultimately making the law aimed at promoting racial equality into a mere form [9].

5. Conclusion

For black people, hair is no ordinary hair. It is deeply rooted in the cultural genes. It is not only the intuitive symbol of identity, but also the silent resistance against racial prejudice, and an important carrier to maintain human dignity. In a society that has long regarded white beauty as the standard and deliberately devalued black beauty, black hair has become a unique way for them to adhere to their cultural roots and pay tribute to the traditions of their ancestors. However, the emergence of the CMS case and the Daryl George case has ruthlessly revealed a key problem: the scope and strength of current anti-discrimination law protection have fallen far behind the real experience and urgent needs of marginalized groups in real life.

To build a more inclusive and equitable society, three changes are urgently needed. At the enterprise level, it is necessary to comprehensively review the implicit bias policies that may exist within the company, completely abandon the regulations on professional image based on subjective feelings, and adopt objective standards directly related to working ability and job requirements. When employees raise concerns about discrimination based on their hair style, companies must proactively adjust their dress codes. This flexibility is a small price to pay for protecting employees' rights and maintaining workplace fairness. Legislatures should actively expand the coverage of anti-discrimination laws. Congress should speed up the passage of the federal Crown Act, which explicitly includes the unique texture of black hair and protective hairstyles such as cornrows and dreadlocks into the anti-discrimination protection scope of Title VII of the Civil Rights Act. At the same time, states such as Texas that already have relevant state laws need to be further amended to clearly define that "hair length is not an excuse for discrimination" and close loopholes in law enforcement. At the social level, people should completely abandon the long-dominant aesthetic system, redefine the standards of "professionalism" and "cleanliness", not only based on the image perception of white people, but also fully consider the cultural tradition and real experience of black people, and truly recognize the rationality of natural black hair, professionalism in the workplace and personal dignity. Although the CMS case was eventually rejected by the court, it unexpectedly gave rise to the nationwide influence of the Crown Act movement, which strongly proved that setbacks can often become an important force to promote social progress.

However, the Daryl George case is still pending, and its final verdict will not only concern the justice of the individual case, but also profoundly affect the attitude and rules of treating black students in schools and other public places in the future. In fact, behind the protection of black hair, it is not only an issue of rights and interests that needs to be clearly defined by law, but also a moral issue related to social fairness and justice. It is essentially about ensuring that every black individual, whether in a competitive workplace or a campus environment full of opportunities for growth, is able to express his full self without having to choose between cultural identity and opportunities for advancement.

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