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LDF Testifies Before NYC Human Rights Commission In Support of Rule to Strengthen Ban on Hair Discrimination

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) testified before the New York City Commission of Human Rights in support of a proposed rule that would further clarify covered entities' obligations to protect against racial and religious discrimination on the basis of hair under the city's Human Rights Law.

The new rule would specifically prohibit workplaces, schools, or other places of public accommodation from enacting policies that attempt to ban people with certain hair textures, hairstyles, including hair length or head coverings due to speculations about health and safety, or claims of their hair being distracting or unprofessional—justifications long used to perpetuate institutional racism against people of color.

LDF Policy Counsel Katurah Topps testified on Thursday in support of the rule proposal, highlighting that jurisdictions across the country are increasingly recognizing the historic and pervasive anti-Blackness that drives policies targeting certain hair textures and styles.

“Consistent with its deeply rooted history of anti-Black racism, America has a long legacy of discriminating against Black people for wearing hairstyles or textures that are linked to Black identity and culture,” said Topps during her testimony. “Natural Black hair generally grows outward in thick, tight coils and forms or can be groomed into locs, an Afro, twists, braids or other natural hairstyles and formations. Black people have long battled the prevalent stereotype that these natural styles and formations are unsuitable for the workplace. By mislabeling these hairstyles and formations as unsanitary, unkempt, and/or unsuitable for the workplace, as well as educational and other spaces, public and private actors found yet another way to exclude Black people from public spaces and/or suppress Black characteristics. Though frequently guised as ‘appearance policies’ or ‘dress codes,’ these practices merely use the uniqueness and beauty of Black hair as a proxy for routine racial discrimination.”

The proposed measure would strengthen legislation passed last year in New York City, which identified hair texture, styles, and length as traits historically related to race and ethnicity—particularly for African-Americans and other groups—and outlawed discrimination against these characteristics in schools and workplaces in the city.

“Last month, the U.S. House of Representatives passed the CROWN Act, legislation that would ban racial discrimination based on a person’s hair texture and style nationwide,” said LDF Policy Director Lisa Cylar Barrett. “This is a federal recognition of the discrimination inherent in policies which seek to penalize Black people for the way they style and wear their natural hair. We strongly support the NYC Human Rights Commission’s move to clarify that purportedly race-neutral policies which restrict people of color from expressing their cultural identities with their hair are in fact evidence of racial discrimination. A person’s natural hair is inextricably tied to identity and prohibiting efforts to target this

often-criminalized characteristic is critical to ensuring Black people can move freely and fully in their identities.”

LDF has defended multiple clients against Black hair discrimination. In May of this year, LDF filed a lawsuit on behalf of Everett De’Andre Arnold, Sandy Arnold, and Cindy Bradford (on behalf of her son K.B.) against the Barbers Hill Independent School District (BHISD), located in Mont Belvieu, Texas, its Board of Trustees, and additional individual defendants challenging the district’s discriminatory hair policy. Arnold and Bradford were informed by BHISD earlier this year that they must either cut their natural locs or no longer participate in regular classes and school activities, including Arnold’s graduation ceremony.

In August, a judge for the U.S. District Court for the Southern District of Texas entered an order allowing K.B. to return to classes, extracurricular activities, and all the normal educational opportunities offered to Barbers Hill High School students while the lawsuit related to BHISD’s policy continues.

Read the full testimony [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).