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BLOGS

Discrimination; Diversity & Inclusion

Hair Length Discrimination Banned in Colorado

Colorado recently amended its CROWN Act of 2020 to include hair length as a protected characteristic for purposes of the state's nondiscrimination law.

By way of background, in 2017, the U.S. Circuit Court of Appeals for the Eleventh Circuit ruled against the Equal Employment Opportunity Commission when it held that the defendant "...banning dreadlocks in the workplace under a race-neutral grooming policy—without more—does not constitute intentional race-based discrimination." *EEOC v. Catastrophe Management Solutions*, 876 F.3d 1273 (11th Cir. 2017). Seeing a need for responsive legislation, many states, including Colorado, amended the definition of "race" in their state discrimination laws to include traits historically associated with race, including hair texture and protective hairstyles. These laws, known as CROWN Acts, prevent enforcement of grooming policies that claim to be race neutral, but have a disproportionate negative impact on people of color.

In 2020, Colorado enacted the "Creating a Respectful and Open World for Natural Hair Act of 2020", also known as the "CROWN Act of 2020." The CROWN Act of 2020 amended the state discrimination law's definition of race and specified that, for purposes of anti-discrimination laws in the context of public education, employment practices, housing, public accommodations, and advertising, protections against discrimination on the basis of one's race include hair texture, hair type, or protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

On June 3, 2024, Colorado amended the CROWN Act of 2020 to include hair length, and the definition of "Race" in the state's discrimination law now includes hair texture, hair type, hair length, or a protective hairstyle that is commonly or historically associated with race. See HB24-1451.

CROWN Acts aimed at protecting workers and students from discrimination against race-based hair traits have been enacted by 25 states and numerous cities. Employers and schools located in a jurisdiction with a CROWN Act should examine their facially neutral grooming and appearance policies to ensure there is no hair bias.