

**CLIENT ALERT: Maine Outlaws Race-based Hair Discrimination  
June 2022**

The Maine legislature recently passed a new law prohibiting racial discrimination based on hair texture or hairstyle. The law becomes effective on July 18, 2022, and will apply to all employers and schools across the state of Maine. The law is an adoption of the CROWN Act, a bill that has surfaced in many other states over the past few years.

What is the CROWN Act?

The new law stems from the CROWN Act, short for “Creating a Respectful and Open World for Natural Hair,” which was first passed by the California legislature in 2019. Since then, over 16 states and 30 major cities have enacted their own versions of the CROWN Act, including New York, Maryland, and Connecticut, and cities such as Philadelphia, Pittsburgh, New Orleans, Milwaukee, Kansas City, and St. Louis. Maine passed this law in the last legislative session. This spring, the U.S. House of Representatives passed the CROWN Act with some bi-partisan support, but the bill faces an uphill battle in the Senate.

Maine law now explicitly outlaws discrimination based on hair textures and hairstyles that are commonly associated with race, including Afro hairstyles and protective hairstyles. Protective hairstyles are defined as “braids, twists, and locks.” The law seeks to remedy a long history of discrimination against African-Americans, particularly women and children, based on their hair. As discussed before the Maine Legislature, “Black women with natural hair are often seen as less professional and less competent and are less likely to be referred for job interviews,” and in education, statistics show that “black students are more likely to be suspended for discretionary reasons such as dress code or long hair violations.” Although the experience of Black women and children inspired the CROWN Act, the law protects all hair styles and hair textures commonly associated with race, such as individuals from South Asian descent who knot their hair under a turban.

Tips for Maine Employers

Employers should review their handbooks to ensure dress code and grooming policies are inclusive of all hairstyles and textures, including hair length. Policies should be connected to business needs. For example, certain restrictions may be reasonable to maintain employee safety in manufacturing or workplaces with heavy machinery, but employers should consider reasonable accommodations for employees whose hair texture or hairstyle is associated with their race. To avoid discriminatory enforcement of dress code and grooming policies, it will be important to train managers and supervisors on the new law. A comment to a job applicant about their unruly or unkempt hair could now give rise to a complaint of racial discrimination.

## Tips for Maine Educators

Some readers will recall the referee who gave a Black high school wrestler in New Jersey an ultimatum: cut your dreadlocks or forfeit the match. The student-athlete had wrestled in several other matches with the same hairstyle without issue and therefore, many considered the referee's actions to be racially motivated. After the incident went viral on the internet, the referee was suspended for two years. Under Maine's new law, the referee's actions would probably give rise to a racial discrimination complaint with the Maine Human Rights Commission.

School districts should review student dress codes to ensure they are inclusive of all hair textures and hairstyles, including hair length. For example, a rule prohibiting boys from wearing ponytails could be challenged as discriminatory if the student's hairstyle is associated with their race. Additionally, schools should consider how the new law interacts with anti-bullying policies. The anti-bullying statute recognizes that bullying "may be motivated by a student's actual or perceived race... or other distinguishing personal characteristics." School districts should train and educate employees on the new law, and prepare them to intervene and respond if students bully classmates based on hairstyles and hair textures associated with race.