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Family outraged after student's hair cut

Treatment of seven-year-old native boy leads to accusations of intolerance

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The boy says he didn't dare move as the teaching assistant brought the scissors up to his hair. Then his locks fell away, and tears soon followed.

A seven-year-old's involuntary haircut at his elementary school in Thunder Bay has outraged his family and provoked accusations of intolerance toward the family's native heritage.

The boy's family has hired a Toronto human-rights lawyer who says the boy was assaulted, and Phil Fontaine, national chief of the Assembly of First Nations, the incident recalls the dehumanizing treatment of native children in residential schools.

The boy was being supervised by a teacher's aide at McKellar Park Central Public School last month when he noticed the assistant kept looking at him. According to his mother, the teacher then walked up, stood the boy up on a chair, and started cutting his bangs.

The boy wears his hair long, like his father and brother, and the family takes part in traditional dancing in pow-wows. The boy's hair, which reached his chin, was braided and helped anchor part of a headdress.

"The hair is a symbol of our strength, our heritage and the culture of our family. She took it away from him," the boy's mother, who asked not to be named to protect her son's identity, said yesterday.

"Our hair is who we are. Jewish people wear these cap things on their head. You have to respect that. It's the same thing."

The mother says the school principal called her the next day to apologize. The board also suspended the teacher's aide and calls the case an "unfortunate incident." But the family filed a complaint with police.

Police investigated but no charges were filed. Superintendent J.P. Levesque of the Thunder Bay police says the Crown felt there was little chance of successful prosecution, and putting the boy on the stand by filing criminal charges was "not in the public interest."

"You have to take into consideration the re-victimization of the victim," Supt. Levesque said.

The teacher's aide reportedly decided to cut the boy's hair because she thought he was having trouble seeing through his bangs.

Toronto lawyer Julian Falconer, who has been retained by the family, says cutting someone's hair without their consent is a proven case of assault, and he has questions why no charges were filed.

"The justice system was supposed to protect vulnerable children, and in this case something has gone horribly wrong," he said. "The family trusted the authorities to do the right thing. That is what is so disheartening about this process."

Mr. Fontaine said the incident recalled the experiences of residential-school survivors whose hair was shorn as part of the attempt "to kill the Indian in the child." "I thought we had moved beyond this," he said in an interview from Ottawa. "Can you imagine how we would react if a person wearing a crucifix would have a crucifix ripped from the person? That's an assault."

He noted that it's been almost a year since Prime Minister Stephen Harper apologized to aboriginals for residential schools and for the attitudes that inspired them. "Sadly for us, we still have those attitudes," Mr. Fontaine said.

The boy's mother says her son has suffered from nightmares and has become fearful since the April 16 incident, which shortened his hair by 10 centimetres. Police in Thunder Bay say it was the Crown's decision not to file charges of assault; a spokesman for the Ministry of the Attorney-General said it's police who decide whether to lay a charge, not the Crown.

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