



Delmore "Buddy" Daye
Learning Institute

Excellence in Africentric Education

OUR JOURNEY – the facts

1994 - BLAC Report on Education - Redressing Inequity – Empowering Black Learners

The Black Learners Advisory Committee Report on Education, *Redressing Inequity – Empowering Black Learners* (BLAC Report), was released in December 1994. One of the seminal recommendations to the Nova Scotia Department of Education was to:

Establish an Afrocentric Learning Institute to assist in curriculum development and conduct ongoing research on issues impacting on Black learners in Nova Scotia.¹

1995 - Minister's Response to the BLAC Report

In June 1995, the Nova Scotia Department of Education issued its *Response to the BLAC Report*. With respect to the recommendation the Department establish an Afrocentric Learning Institute, the Honourable Minister John MacEachern stated:

The Department accepts this recommendation and will create an Afrocentric Learning Institute. Alternatives for placement including the desirability of locating the Institute in conjunction with a university will be explored with CACE (Council on African Canadian Education). The Nova Scotia Council on Higher Education will work with CACE to develop a specific proposal and funding options for such an institute by January 1996.² [Emphasis added]

The Minister's Response to this BLAC Report recommendation made it abundantly clear that the ultimate responsibility for establishing an Afrocentric Learning Institute lay with the Department of Education. CACE's defined role was to develop a specific proposal and funding options.

¹ BLAC Report on Education, 1994 at page 18.

² *Response to the Black Learners Advisory Committee on Education*, 1995 at page 3.



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1996 – Council of African Canadian Education - Full Council Meeting

On September 16, 1996, the full council of CACE met to discuss the proposal for the Afrocentric Learning Institute. During the meeting, CACE discussed the need to inform the community of its recommendation to name the proposed Afrocentric Learning Institute in honour of Mr. Delmore Buddy Daye. CACE also discussed the necessity of including the institute's name – The Delmore Buddy Daye Afrocentric Learning Institute – directly into the *Regulations*. The relevant excerpt from CACE's Full Council Meeting minutes of September 16, 1996 is reproduced below:

ALI Memorializing Delmore "Buddy" Daye in its Definition

Mr. Barton stated that it is not something that must go through the *Regulations*. We would like it to be part of the *Regulations* referred to as Delmore "Buddy" Daye Afrocentric Learning Institute. After much discussion it was decided that we need to inform the community, ie: giving the community the information as to why we make the recommendation that we do make.³

1996 - Provincial Blitz by CACE

In November 1996, CACE conducted a provincial blitz, hosting a series of African Nova Scotian community meetings seeking feedback on the proposed Afrocentric Learning Institute, including feedback on their recommendation to name the institute in honour of Mr. Delmore Buddy Daye. The community meetings took place on November 25, 28, 29 and 30, 1996, and included the following African Nova Scotian communities:

Kentville, Annapolis, Digby, Weymouth, Yarmouth, Shelburne, Antigonish, Guysborough, Tracadie, Sydney, Glace Bay, Amherst, New Glasgow, Truro, Hammonds Plains, Lucasville, Halifax Central, Halifax North, Spryfield, Dartmouth, Cherry Brook, Lake Loon, North Preston, and East Preston.⁴

³ Council on African Canadian Education, Full Council Meeting Minutes, September 16, 1996.

⁴ Provincial Blitz by CACE, Schedule of African Nova Scotian Community Meetings, November 25-30, 1996.



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1997 – Nova Scotia Legislature – 56th General Assembly, Fifth Session

In the April 10, 1997 *Speech From The Throne*, the Nova Scotia government addressed the role of CACE with respect to the proposed Afrocentric Learning Institute. The government stated:

My Government is also responding to the needs of minorities. The Department of Education and Culture is working with the Council on African Canadian Education to develop a proposal for an Afrocentric Learning Institute.

1997 - CACE Special Board Meetings

On September 11 and 12, 1997, CACE held a series of special board meetings at the Citadel, Halifax. Mr. Brad Barton, CACE Chairperson, called the meeting to order. Mr. Barton then passed the meeting to Co-Chairs Ms. Delvina Bernard and Mr. Jonathan Smith. The following CACE Board members were in attendance:

Mr. Brad Barton	Ms. Sheila Lucas-Cole
Mr. Haamid Rasheed	Ms. Melinda Daye
Rev. Ogueri Ohanaka	Mr. Jonathan Smith
Mr. Olusegun Odusanya	Mrs. Carolyn Thomas
Ms. Delvina Bernard	Ms. Rosalinde Saunders
Ms. Alma Johnston	

One of the main issues addressed during this special board meeting was the Afrocentric Learning Institute. In particular, CACE sought:

Re-Confirmation of the name of the Institute – Delmore Buddy Daye Afrocentric Learning Institute.⁵

Relevant excerpts from CACE's special board meeting minutes are reproduced below:

⁵ Council on African Canadian Education, Special Meeting – CACE Outstanding Issues, Minutes of September 11, 1997 at page 2.



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Name for the ALI

Lengthy discussion took place regarding the naming of the ALI.

It was noted that CACE passed a motion some time ago in favour of naming the Institute the *Delmore Buddy Day Afrocentric Learning Institute*.

The question was raised as to whether there was a formal process for nomination of possible names for the Institute.

However, it was pointed out by several members that CACE sought ample feedback from the community on the name during its November 1996 Community Consultations.

[...]

Ms. Bernard as Chair, recommendation that each member be given an opportunity to express what they believe are the strengths and weaknesses of naming the ALI in honour of Mr. Buddy Day.

After each member offered comments it was re-affirmed that CACE recommends the ALI be officially named the Delmore Buddy Day Afrocentric Learning Institute. It was further agreed that CACE members would begin to use this name in reference to the ALI, both verbally and written, henceforth.⁶ [Emphasis added]

CACE also addressed issues relating to educational partners and the Afrocentric Learning Institute. Relevant excerpts from CACE's special board meeting minutes are reproduced below:

Educational Partners

There was much discussion around the need for developing a long term relationship among the BEA, the Regional Educators Program, the Delmore Buddy Day Institute (ALI), and CACE. It was generally agreed that these four institutions comprise a significant part of the educational infrastructure in the African Nova Scotia Community.

⁶ *Ibid.*, at pages 3-4.



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This discussion provided a useful background and context for the discussion to follow.

ALI Issue of September 11, 1997 Revisited

After lengthy discussion it was moved by Mr. Odusanya and seconded by Mrs. Thomas that the Sub-Committee struck last evening – September 11, 1997 is responsible for developing an appropriate Proposal for the Delmore Buddy Daye Afrocentric Learning Institute, after consultation with partners.⁷

1998 – CACE Strategic Planning Retreat

In April 1998, CACE held a strategic planning retreat, Henson College, Dalhousie University. The primary *Key Result Area* (KRA 1) recorded in the strategic direction states:

Establish African Learning Institute (Delmore "Buddy" Daye African [sic] Learning Institute).⁸

Further on, one of the *Priorities For Action* as recorded in the strategic direction states:

bring partners together to determine direction, timelines and make up of the Delmore "Buddy" Daye Afro-Centric Learning Institute.⁹

1998 – CACE Letter to Minister of Education & Culture, Honourable Robert Harrison

On November 9, 1998, Mr. Brad Barton, Interim and Past Chair of CACE, corresponds with Minister Robert Harrison to update on accomplishments of the BLAC and the CACE. Mr. Barton writes:

⁷ Council on African Canadian Education, Special Meeting – CACE Outstanding Issues, Minutes of September 12, 1997 at pages 1-2.

⁸ Notes, Council on African Canadian Education (C.A.C.E.) Strategic Planning Retreat, Submitted by Henson College, Dalhousie University, April, 1998 at page 11.

⁹ *Ibid.*, at page 12.



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I would further issue a challenge to the province of Nova Scotia and the Department of Education and Culture to fully implement the recommendations of the *BLAC Report*. This will require full commitment by all stakeholders if these recommendations are to positively impact on African Canadian Learners. I would recommend that the Delmore "Buddy" Daye Afrocentric Learning Institute receive high priority by the Department and CACE within the next few months.¹⁰

1999 – Afrocentric Learning Institute – Proposal Development Committee Orientation

On January 21, 1999, the Afrocentric Learning Institute Proposal Development Committee held an orientation session. The following individuals were in attendance representing their respective organizations:

- Mr. Samuel Moreau** – CACE/ALI Committee Member
- Dr. Wanda Thomas-Bernard** – ABSW, Professor, Dalhousie University
- Dr. Harvey Millar** - African Canadian Education Project, Professor, SMU
- Mr. Brad Barton** - Past Chair, CACE
- Dr. Esmeralda Thornhill** – James Robinson Johnston Chair in Black Studies
- Mr. Charles Sheppard** - Chair, CACE
- Ms. Delvina Bernard** - Executive Director, CACE
- Dr. Patrick Kakembo** - Assistant Director, ACSD
- Mr. Robert Upshaw** – Director, ACSD
- Mr. Gordon Blackmore** - Cultural Awareness Youth of Nova Scotia
- Ms. Tracey Jones** – Head Librarian, North Branch Library
- Ms. Donna Morse** - CACE/ALI Committee
- Mr. Archy Beals** - CACE/ALI Committee
- Ms. Rosalind Saunders** – Administrative Assistant, CACE

¹⁰ Council on African Canadian Education, Correspondence to Minister of Education, Honourable Robert Harrison, November 9, 1998.



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The orientation session was co-facilitated by Ms. Delvina Bernard and Dr. Patrick Kakembo, and presented a comprehensive history and background of the ALI initiative. Mr. Brad Barton, Past Chair of CACE, presented on developments which took place during his term as CACE Chair, including:

- A series of consultation sessions on the ALI initiative. These were province wide in scope. They took place in November 1996;
- Identification of models, and structures, the ALI may want to examine; and
- Adoption of a motion to name the ALI in honour of Mr. Delmore "Buddy" Daye.¹¹ [Emphasis added]

The Proposal Development Committee also discussed the issue of using the term 'Afrocentric vs. Africentric' in reference to the proposed institute. Relevant excerpts in this regard from orientation session minutes are reproduced below:

There was brief discussion on whether the term "Afro" centric versus "Afri" centric will be used. Dr. Wanda Thomas-Bernard agreed to prepare a presentation on this matter for consideration and discussion at the next committee planning meeting.

2001 – CACE Funding for the Delmore Buddy Daye Africentric Learning Institute

On September 26, 2001, Mr. Charles Sheppard, CACE Chair, corresponded with Deputy Minister of Education, Dennis Cochrane, to thank the Minister and the Department for providing \$20,500.00 toward the leasing costs of the second floor of the "Meadows" building at Mount Saint Vincent University. Mr. Sheppard writes,

This facility will serve as a temporary location of the Delmore "Buddy" Daye Africentric Learning Institute.¹²

¹¹ Afrocentric Learning Institute, Proposal Development Committee Orientation Session, Citadel Halifax, January 21, 1999 at pages 1-2.



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2001 – CACE Transitional Plan – Delmore Buddy Daye Africentric Learning Institute

In 2001, CACE drafted a 'Transitional Plan' for the Delmore Buddy Daye Africentric Learning Institute. Relevant excerpts from the transitional plan are reproduced below:

- Develop job advertisements for two new DBDALI staff – to be completed – end of November – December /01
- Staff begin work at DBDALI – "Meadows" – January /02
- Process to begin selection of DBDALI Board of Directors – February/March /02
- First DBDALI Board of Directors' Meeting June /02¹³

2001 – CACE Presents Business Plan for the "DBDALI" to Department of Education

In December 2001, CACE presented a Business Plan to the Department of Education entitled, *Business Plan 2002-2003 For The Council on African Canadian Education And The Delmore "Buddy" Daye Africentric Learning Institute*. The rationale provided for in the business plan begins as follows:

The following is background information of the Council on African Canadian Education with special reference to the Delmore "Buddy" Daye Africentric Learning Institute (DBDALI)".¹⁴

¹² Council on African Canadian Education, Correspondence to Mr. Dennis Cochrane, Depart of Education, September 26, 2001.

¹³ Council on African Canadian Education, Transitional Plan – DBDALI, 2001-2002.

¹⁴ Business Plan 2002-2003 For The Council on African Canadian Education And The Delmore "Buddy" Daye Africentric Learning Institute, Presented to The Department of Education by The Council on African Canadian Education, December 2001 at page 5.



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Further on the business plan states:

The Government and the Department of Education in June 1995 accepted this recommendation. A proposal to develop DBDALI was submitted to the Minister of Education in September 1999.¹⁵

2002 – The Nova Scotia Legislature – The Committee of the Whole House on Supply

On April 12, 2002, the Minister of Education, Honourable Jane Purvis, addressed the Nova Scotia Legislature on its support for CACE in developing a business plan for the Delmore Buddy Daye Africentric Learning Institute. The Minister stated:

For the past two years we have supported the Council on African Canadian Education in its development for a business plan for the Afrocentric Learning Institute. Members of the House will recall that this learning centre is named in memory of Delmore "Buddy" Daye. We have protected that funding this year to support the presence of ALI at Mount Saint Vincent University and there is an additional \$30,000 within the African Services Division to deliver the parent education initiative.¹⁶

2003 - Report of the BLAC Implementation Review Committee

The Report of the BLAC Implementation Review Committee was released in September 2003. The committee was co-chaired by CACE and the Department of Education. Its mandate was to evaluate the progress, if any, made with respect to the recommendations of the BLAC Report. Committee members were comprised of the following individuals representing their respective organizations:

¹⁵ *Ibid.*, at page 5.

¹⁶ Nova Scotia Legislature, Committee of the Whole on Supply, Handsard, April 12, 2002 at page 188.



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Charles Sheppard (Co-Chair)	Council on African Canadian Education
Mike Sweeney (Co-Chair)	Department of Education
Frank Barteaux	Nova Scotia School Board Association
Brad Barton	Council on African Canadian Education
Gerald Clarke	Black Educators Association
Ed Davis	Cape Breton-Victoria Regional School Board
Ken Fells	Black Educators Association
Kaye Johnson	Annapolis Valley Regional School Board
Patrick Kakembo	Department of Education
Reverend Elias Mutale	African United Baptist Association
Earle Rutledge	Nova Scotia Teachers Union
Doug Sparks	Halifax Regional School Board

The BLAC Implementation Review Committee issued the following status update and recommendation regarding the proposed Africentric Learning Institute:

Status

The establishment of Africentric Learning Institute (ALI) has been identified by CACE as one of the cornerstone recommendations within the BLAC Report. CACE has taken the initiative to develop a business plan and commence the operations of the ALI. The ALI has officially become the Delmore "Buddy" Daye Africentric Learning Institute (DBDALI) and through funding from the Department has set up temporarily at the "Meadows" at Mount Saint Vincent University. [Emphasis added]

The DBDALI is to have research, policy analysis, curriculum development, professional development for teachers, community education, and resource centre as its main components.

Recommended Action

CACE has submitted a Business Plan to the Department for the capital and operation components of the DBDALI.¹⁷

¹⁷ Report of the BLAC Implementation Review Committee, Council on African Canadian Education and Nova Scotia Department of Education, September 2003 at page 6.



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2004 – The Daily News, “Build learning institute, black leaders urge province”

A Daily News article, dated December 5, 2004, featuring Ms. Delvina Bernard, Executive Director of the Council on African Canadian Education (CACE), and Mr. Brad Barton, former Chair of the Black Learners Advisory Committee (BLAC) urge the province to fulfill the outstanding recommendations of the BLAC Report. The panel of Black leaders are quoted as follows:

...that includes building an Afrocentric learning institute to be named after the late Delmore (Buddy) Daye, the Legislature’s first black sergeant-at-arms.

2008 – CACE Registers the ALI as the Africentric Learning Institute of Nova Scotia (ALINS), not the Delmore Buddy Daye Africentric Learning Institute (DBDALI)

On March 25, 2008, CACE registers the Africentric Learning Institute with the Registry of Joint Stock Companies as the “Africentric Learning Institute of Nova Scotia” (ALINS), not the Delmore Buddy Daye Africentric Learning Institute (DBDALI). CACE also appointed CACE board members as directors/officers of the company. [Emphasis added]

(see: 2012 – Minister Confronts CACE on 2008 Incorporation of ALI as the ALINS)

2009 - Reality Check Report – *A Review of key program areas in the BLAC Report for their effectiveness in enhancing the educational opportunities and achievement of African Nova Scotian learners.*

The *Reality Check Report* was released by Dr. Enid Lee and Clem Marshall in November 2009. The report made specific findings concerning the mandate and role of CACE with respect to the Africentric Learning Institute. These findings are reproduced below:



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C. Africentric Learning Institute

Over the past five years, CACE has made the development of the Africentric Learning Institute its priority. Most of its publications since the last review focus on Africentric education. The Africentric Learning Institute (ALI) is considered to be the fourth plank in the organizational structure that is intended to serve the needs and interests of African Nova Scotian learners.

The Africentric Learning Institute, which is not yet fully functional, has as its mandate a focus on excellence in Africentric educational research and practice. Its mission is to “advance academic achievement of African Canadian learners and educators.”

CACE’s immediate preoccupation with the ALI appears to have diverted attention away from the Council’s mandated obligation to remain in touch with its constituency in order to reflect its concerns in CACE’s advice to the Minister of Education.¹⁸ [Emphasis added]

The Report also made specific *recommendations* based on these findings. These recommendations are reproduced below:

The Council on African Canadian Education accelerate efforts to have an Africentric Learning Institute (ALI) Board appointed so that CACE might resume its advisory function.¹⁹

[...]

The Africentric Learning Institute (ALI), the Council on African Canadian Education (CACE), the Black Educators Association (BEA), and the African Canadian Services Division (ACSD) begin the process of forming an ALI Board with extensive community participation.²⁰

¹⁸ Reality Check, *A Review of key program areas in the BLAC Report for their effectiveness in enhancing the educational opportunities and achievement of African Nova Scotian learners*, Enid Lee and Clem Marshall, Enidlee Consultants Inc., November 2009 at page 77.

¹⁹ *Ibid.*, at page 79.

²⁰ *Ibid.*, at page 81.



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2010 – The Minister of Education’s Response to Reality Check

In 2010, the Minister of Education issued a Response to *Reality Check*, entitled *Expanding from Equity Supports to Leadership and Results*. In response to the specific recommendations noted above: (1) that CACE accelerate efforts to have an Africentric Learning Institute Board appointed, and (2) the ALI, CACE, BEA and ACSD begin the process of forming an ALI Board, the Minister stated:

The Department of Education accepts this recommendation. The Department of Education strongly supports this recommendation. The African Canadian Services Division in conjunction with the Council on African Canadian Services Division [*sic*] has begun the process of forming an Africentric Learning Institute. The department will have an Africentric Learning Institute board appointed no later than June 2011.

[...]

The Department of Education accepts this recommendation. The Department of Education agrees with this recommendation and has been working co-operatively with the Council on African Canadian Education, Black Educators Association, and Africentric Learning Institute to implement this recommendation. The department is committed to a transparent process that involves wide community participation with African Nova Scotian communities.²¹

2012 – Black Educators Association - Memorandum to BEA Representative on CACE

On January 24, 2012, BEA Executive Director, Mr. Douglas Sparks, sends a Memorandum to Tracey Jones – Grant, BEA Representative on CACE entitled: “URGENT Motion Regarding the Naming of the Africentric Learning Institute.” In the Memorandum, the Executive Director writes:

²¹ *Expanding from Equity Supports to Leadership and Results*, The Minister of Education’s Response to *Reality Check*, 2010 at page 10.



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The motion was put forth and passed, unanimously, by the BEA Executive Committee on January 10th, 2012 that the name of the Africentric Learning Institute (ALI) is reinstated to the Delmore "Buddy" Daye Africentric Learning Institute.

In this matter, under the direction of the 1st Vice President, BEA and on behalf of the Executive Committee and general membership, you are expected and required to bring forth the following motion at your meeting scheduled for Wednesday, January 25, 2012:

MOTION:

"BE IT RESOLVED that the Africentric Learning Institute (ALI) is named the Delmore "Buddy" Daye Africentric Learning Institute."²²

2012 – PUBLIC NOTICE - Africentric Learning Institute Board Recruitment

On February 22, 2012, CACE issued a public notice seeking interested applicants for appointment to the inaugural Board of Governance of the Africentric Learning Institute. The public notice stated:

The Africentric Learning Institute (ALI) of Nova Scotia is seeking skilled and dedicated African Canadians to serve on the Board of Governance (Council members).

[...]

After several years of program and pre-operational development, the ALI will be officially launched in May 2012.²³

²² Black Educators Association, Memorandum from Douglas Sparks, Executive Director BEA, to Ms. Tracey Jones-Grant, CACE, Representative for the Black Educators Association (BEA), January 24, 2012.

²³ Public Notice, Africentric Learning Institute Board Recruitment, February 22, 2012.



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2012 – ALI Appointment Committee is Established (CACE, BEA, ACSD and OANSA)

An ALI appointments committee was established to review applications for membership on the inaugural ALI Board. The committee was comprised of the following individuals representing their respective African Nova Scotian organizations:

- **Ms. Tracey Jones-Grant** - Chairperson, CACE;
- **Mr. Kenneth Fells** - President, BEA;
- **Dr. Patrick Kakembo** - Director, ACSD; and
- **Mr. Wayn Hamilton** – Chief Executive Officer, OANSA.

The ALI appointment committee reached consensus on April 30, 2012, and August 28, 2012, naming the following ten (10) individuals to the inaugural ALI Board:

April 30, 2012 Appointments (*Announced at ALI Launch, May 4, 2012*):

- **Ms. Yvonne Atwell** - Community Justice Society
- **Dr. Susan Brigham** - Mount Saint Vincent University
- **Ms. Jocelyn Dorrington** - Chignecto Central Regional School Board
- **Ms. Karen Hudson** – Auburn Drive High School
- **Mr. Ed Matwawana** – Black Business Initiative
- **Mr. Paul Ashe** – African Canadian Services Division; and
- **Mr. Martin Morrison** – Tri-County Regional School Board

August 28, 2012 Appointments:

- **Ms. Sheila Lucas-Cole** – Retired, Former Original Member of BLAC/CACE
- **Mr. Dean Smith** – Justice Canada; and
- **Mr. Travis Toussaint** – Black Educators Association.

The inaugural ALI Board was designed to be an independent community-based board. Only one (1) seat was designated for a representative of the Department of Education and Early Childhood Development (African Canadian Services Division).



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2012 – Appointment of Inaugural ALI Board Members Effective September 2, 2012

Each of the inaugural ALI Board members received written notification of their appointments from the ALI appointment committee (CACE, BEA, ACSD and OANSA). Letters to those appointed on April 30, 2012 stated:

I am pleased to advise you on behalf of the Appointment Committee that you have been selected to sit on the inaugural board, also known as the Council of Members, of the Africentric Learning Institute. You will officially take office commencing on Monday September 2, 2012. [Emphasis added]

Your selection is a testament of the respect and confidence the Appointment Committee has in your ability and commitment to work collaboratively with others in the education system to improve the educational achievement of all learners, African Canadian learners in particular.²⁴

Letters to those appointed on August 28, 2012 stated:

I am delighted to inform you that on August 28, 2012, the Appointments Committee of the Delmore Buddy Daye Africentric Learning Institute a.k.a. ALI (Tracey Jones-Grant – CACE, Kenneth Fells – BEA, Patrick Kakembo – ACSD, and Wayn Hamilton – OANSA), met to review applications for the DBDALI Board.

The committee agreed that you have the knowledge and skills, an understanding of the educational and development needs of the African Nova Scotian community, as well as a deep commitment to contribute to improving the educational achievement of ANS learners by applying Africentric philosophy and approaches. Therefore, the Committee approved your appointment to serve on the Board of the Delmore Buddy Daye Africentric Learning Institute, effective September 2, 2012 for the period as indicated below:²⁵ [Emphasis added]

²⁴ ALI Appointments Committee, Notifications to Candidates, Author: Tracey Jones-Grant, April 30, 2012.

²⁵ ALI Appointments Committee, Notifications to Candidates, Author: Patrick Kakembo, Ph.D, September 12, 2012.



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2012 – Nova Scotia Legislature - Handsard - House of Assembly Debates and Proceedings

On Wednesday, May 9, 2012, the Nova Scotia House of Assembly recorded the following exchange during question period:

HON. KEITH COLWELL: Mr. Speaker, May 4th marked the launch of the long awaited Africentric Learning Institute. This institute was borne out of the recommendations adopted by the government in 2003, from the *Report of the BLAC Implementation Review Committee*. Will the Minister of Education tell members of this House what this institute will be called?

[...]

MR. COLWELL: Mr. Speaker, the government's response to the report's recommendation states, and I will table it: "The ALI has officially become the Delmore "Buddy" Daye Africentric Learning Institute..."

In the letter from the Minister of Education dated May 2nd inviting the Daye family to the May 4th launch, called it the Delmore "Buddy" Daye Africentric Learning Institute. I will table that letter as well. Will the Minister tell members of this House why, in the 2003 report and on the letter of May 2nd, it was called the Delmore "Buddy" Daye Institute but the institute itself was incorporated as the Africentric Learning Institute?

[...]

MR. COLWELL: Mr. Speaker, I have to ask the minister why she wrote the letter then of May 2nd. The letter clearly said that this was going to be the Delmore "Buddy" Daye Africentric Learning Institute. The Black Community even went to the length of going all over this province checking to see if the name would be acceptable and it was, by everyone that they met within the province.

Will the Minister of Education take this opportunity today to apologize to the Daye family and to those who have worked so hard in Mr. Daye's memory to see the institute become a reality and to all members of this House for insulting this name change?

MS. JENNEX: I want to say that past ministers and past boards wanted to recognize Mr. Daye's contributions but it has come to our attention that there is some conflicting information on the public record that needs to be sorted out. There has been a new board established on Friday, and I'm sure that the new board will be able to sort this information out.²⁶ [Emphasis added]

²⁶ Nova Scotia Legislature, House of Assembly 61, Session 4, Handsard, May 9, 2012 at pages 1865-1866.



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2012 – Minister Confronts CACE on Erroneous 2008 Incorporation of ALI as the ALINS

On May 18, 2012, the Minister of Education, Ramona Jennex, corresponds directly with CACE Board members to advise that their 2008 incorporation of the ALI, as the Africentric Learning Institute of Nova Scotia (ALINS), and not the Delmore Buddy Daye Africentric Learning Institute (DBDALI), was done without the requisite statutory authority or approval of the Minister. The Minister writes:

In 1996, the CACE recommended to the Minister of Education, Honourable Robbie Harrison, that the Africentric Learning Institute be named the Delmore "Buddy" Daye Africentric Learning Institute in recognition of his critical and life-long advocacy for black learners. The Minister accepted that recommendation and it has been acknowledged by subsequent Ministers. The name is documented in the minutes of CACE from 1996, the BLAC Report Implementation Review (2003), in Handsard, the official record of proceedings in the House of Assembly, and in media reports.

CACE was established under the *Education Act* as an advisory body to the Minister. Its purpose is to provide advice and recommendations to the Minister in accordance with the Act.

It has come to my notice that CACE has registered the institute under a different name, without advice or recommendation to the Minister. To the extent that the actions of CACE over the past several years, including the passing of motions respecting the name of the institute, may be considered advice to the Minister, that advice is rejected.

Our government recognizes that the institute, was, is and must remain, the Delmore "Buddy" Daye Africentric Learning Institute. Accordingly, the erroneous registration must be corrected.²⁷ [Emphasis added]

²⁷ Correspondence, Office of the Minister to Members, Council on African Canadian Education, May 18, 2012.



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2012 – First Official Meeting of the Inaugural ALI Board – September 20, 2012

The inaugural ALI Board officially took office on September 2, 2012. On September 20, 2012, the Board held its first official meeting at Mount Saint Vincent University.²⁸ The Board conducted the following business during its first official meeting:

i) Nominations and Election of Executive Members

The Board called for nominations to its executive committee, and unanimously elected the following executive members:

Ms. Jocelyn Dorrington	Chairperson
Ms. Yvonne Atwell	Vice-Chairperson
Ms. Sheila Lucas-Cole	Treasurer
Mr. Paul Ashe	Secretary

ii) Confirmation Regarding the Official Name of the Africentric Learning Institute

The Board passed a motion confirming the official name of the Africentric Learning Institute as the Delmore Buddy Daye Africentric Learning Institute (DBDALI).

iii) Incorporation of the Delmore Buddy Daye Africentric Learning Institute

The Board also discussed CACE's 2008 incorporation of ALI as the Africentric Learning Institute of Nova Scotia (ALINS), and not the Delmore Buddy Daye Africentric Learning Institute (DBDALI). Accordingly, the Board passed a motion to send a letter to CACE advising that the inaugural ALI Board will pursue amendments to the ALINS incorporation documents at the Registry of Joint Stock Companies, including:

²⁸ Delmore Buddy Daye Afrocentric Learning Institute, Mount Saint Vincent University, Board Minutes, September 20, 2012.



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- (i) amendments to the list of directors/officers of the ALINS (e.g., *removing CACE members*) to reflect the inaugural ALI Board members; and
- (ii) an amendment to the corporate name of the Africentric Learning Institute of Nova Scotia to the Delmore Buddy Daye Africentric Learning Institute.

On September 21, 2012, a letter was sent to CACE informing that the inaugural ALI Board passed the above-referenced motions. The letter also informed CACE that the inaugural Board was prepared to incorporate anew under the corporate name, the Delmore Buddy Daye Africentric Learning Institute, should CACE object to amending the ALINS incorporation documents.²⁹

2012 – CACE Responds to Inaugural ALI Board Request to Amend ALINS Incorporation

On September 24, 2012, Ms. Tracey-Jones Grant, CACE Chair, informed the inaugural ALI Board in writing that CACE would not agree to any amendments to the list of directors/officers of the ALINS, or to amending the corporate name of the ALINS.³⁰

Whereas CACE incorporated the ALINS in 2008, and appointed CACE board members as its directors/officers, the inaugural ALI Board held no standing to make changes to the corporate structure or name of the ALINS. Only existing directors/officers of the company can make such changes.

CACE's objection to the proposed amendments resulted in CACE board members continuing to operate the ALINS, despite a clear transfer of authority to the inaugural ALI Board by the ALI appointments committee on September 2, 2012.

²⁹ Correspondence, Delmore "Buddy" Daye Africentric Learning Institute to Tracey Jones-Grant, CACE Chair, September 21, 2012.

³⁰ Correspondence, Tracey Jones-Grant, CACE Chair, September 24, 2012.



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2012 - Inaugural ALI Board Orientation Sessions

On September 20, 2012, the inaugural ALI Board received correspondence from Ms. Delvina Bernard, Executive Director of CACE, advising of a 2 day orientation session for inaugural ALI Board members scheduled for September 28-29, 2012. In that correspondence, Ms. Bernard writes:

On behalf of the ALI Transition Team and CACE, I am delighted to be responsible for coordinating the agenda for the official orientation of the first board of ALI. With this act complete, board members will assume their roles as the legal stewards of the ALI.³¹

The inaugural ALI Board attended the orientation sessions on September 28-29, 2012 at the Cambridge Suites in Halifax. The orientation agenda included the following action items as described by Ms. Bernard in her correspondence:

During your orientation, time will be set aside to complete all formal documentation of board members. This includes: filling out a personal information form; Sign off of documents to be filed with the Registry of Joint Stock Companies to transfer legal responsibility of ALI to its new board; Providing a brief biography (50 words) – for the website; Have a group and individual photo will taken [*sic*] – also for the website.³²

No such action items were introduced or addressed during the orientation sessions.

CACE Proposes a New Governance Model at the Inaugural ALI Board Orientation Sessions

During the orientation sessions on September 28-29, 2012, CACE proposed a new governance model for the inaugural ALI Board. The proposed new governance model would now include the addition of CACE board members and staff, and ALINS directors/officers on the inaugural ALI Board. CACE's proposed additions to the inaugural ALI Board included:

³¹ Correspondence, Delvina E. Bernard, Executive Director, CACE to Inaugural ALI Board members.

³² *Ibid.*, Correspondence, Delvina E. Bernard to Inaugural ALI Board members, September 20, 2012.



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- **Ms. Tracey Jones-Grant – CACE Chair/ALINS Director;**
- **Ms. Delvina Bernard – CACE Staff;**
- **Ms. Juanita Peters – CACE Staff;**
- **Mr. Leslie Oliver – ALINS Director; and**
- **Mr. Brian Johnston – ALINS Director.**

The inaugural ALI Board objected to the proposed additions as they were not formally appointed by the ALI appointment committee. The inaugural ALI Board viewed the proposed new governance model as a clear attempt to circumvent the official ALI appointment process, and to undermine the independence of the inaugural ALI Board.

The inaugural ALI Board further objected on the basis that CACE is a provincial public body and their presence on the Board would effectively undermine the independence of the inaugural ALI Board. In fact, a recent decision made pursuant to the *Freedom of Information and Protection of Privacy Act* (FOIPOP) confirms that CACE is a public body, operated by public officers and is listed among the myriad of provincial government agencies, boards and commissions. The FOIPOP decision states:

There is a direct link between the duties and responsibilities of the Minister of Education and Early Childhood Education and CACE. Accordingly, there can be no doubt that CACE is a public body pursuant to s. 3(1)(j) of the *Act*.

[...]

Furthermore, CACE is a non-adjudicative board listed among Nova Scotia's Agencies, Boards and Commissions. (ABC Membership)³³

The ALI was designed to be an independent community-based educational institute. The addition of CACE board members and staff – *public officers, public body and government agency* – is contrary to the original concept of an independent community based ALI Board.

³³ Review Report FI-14-01, Nova Scotia Freedom of Information and Protection of Privacy, Carmen Stuart, June 2, 2014, Council on African Canadian Education, at pages 11, 12.



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2012 – The Inaugural ALI Board Incorporates as the Delmore Buddy Daye Africentric Learning Institute

As referenced above, CACE incorporated the ALI in 2008 as the Africentric Learning Institute of Nova Scotia (ALINS), and appointed CACE board members as its directors/officers. Accordingly, the inaugural ALI Board held no standing or authority to make corporate changes to the ALINS, as only existing directors/officers of the company can make such changes.

Therefore, in accordance with the motion passed during its first official meeting on September 20, 2012, the inaugural ALI Board instructed its corporate secretary, Mr. Paul Ash, to incorporate anew by making application for registration with the Registry of Joint Stock Companies as the Delmore Buddy Daye Africentric Learning Institute (DBDALI).

On October 1, 2012, Mr. Paul Ash, acting on instructions from the inaugural ALI Board and in the normal course of his duties as secretary, made application to incorporate the ALI Board. However, the Registry of Joint Stock Companies would only approve of incorporation under the corporate name "Delmore Buddy Daye Learning Institute (DBDLI)", absent the term "Africentric". Apparently, the Registry of Joint Stock Company's electronic database had automatically flagged the application for use of the term "Africentric", as there already existed a company using that term in its corporate name (Africentric Learning Institute of Nova Scotia).

In addressing this issue, Mr. Paul Ash on behalf of the inaugural ALI Board, requested a face-to-face meeting with the Registrar of Joint Stock Companies to explain that the term "Africentric" is an ideology which cannot be owned by any single corporate entity. Mr. Ash provided the Registrar with literature on Africentricity to assist her in making a decision. The Registrar ultimately agreed with Mr. Ash and approved amendments to the corporate name to include the term "Africentric".



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Therefore, on October 19, 2012, the inaugural ALI Board officially became the Delmore Buddy Daye Africentric Learning Institute (DBDALI).

2012 – CACE Holds Funding and Other Assets “In Trust” for the DBDALI

CACE holds funding and other assets “In Trust” for the DBDALI, all of which were to be transferred to the inaugural ALI Board upon the commencement of their duties on September 2, 2012. The firm of Lyle Tilley Davidson, Chartered Accountants, has determined that CACE holds funds “In Trust” for the DBDALI in excess of \$830,000.00. Other assets include; intellectual property, publications, financial records, correspondence, conference and research reports, program and course manuals, office furniture and other equipment. CACE also holds assets relating to:

- **MSVU Africentric Masters of Education Cohort;**
- **Youth Leadership Development Initiatives** (eg. Mission Critical);
- **Africentric Summer Institute;**
- **History and Heritage Awards;** and
- **Black Males Conference**

All assets relating to the ALI were acquired and/or developed with funds held by CACE “In Trust” for the DBDALI. However, despite requests by the DBDALI, and the Department of Education and Early Childhood Development, CACE has failed to transfer any of the “In Trust” funding or other assets.³⁴

³⁴ Correspondence: Jocelyn Dorrington, Chair DBDALI to Ms. Alma Johnston-Tynes, Chair CACE, November 5, 2012; Carol Olsen, Deputy Minister to Ms. Alma Johnston-Tynes, Chair CACE, July 24, 2013.



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2013 – Former Members of the Black Learners Advisory Committee (BLAC), and Original Members of the CACE Board Issue Press Release

On May 10, 2013, former members of the BLAC, and original members of the CACE Board (Brad Barton, Dr. Carolyn Thomas, Odusanya Olusegun and Jonathan Smith), issued a joint press release in response to a CBC report accusing the Minister of Education of bullying the Black Community with respect to the naming of the Africentric Learning Institute. The former members of the BLAC, and original members of the CACE Board, are unequivocal in their conclusion, which states:

In the spring of this year, we understand the Minister of Education, after reading these documents and holding discussions with a number of groups and individuals, confirmed the name Delmore "Buddy" Daye Africentric Learning Institute (DBDALI) as proposed and accepted by BLAC and the original members of CACE and previously acknowledged and accepted in the House of Assembly.³⁵

2013 – Nova Scotia Supreme Court – ALINS File Application for Judicial Review

In 2013, the Africentric Learning Institute of Nova Scotia (ALINS) filed an application for judicial review of the decision of the Registrar of Joint Stock Companies approving the name: The Delmore Buddy Daye Africentric Learning Institute.³⁶ At the time of filing, the ALINS listed the following persons as directors/officers of the company: **Ms. Tracey Jones-Grant, Ms. Karen Hudson, Mr. Brian Johnston and Mr. Leslie Oliver.**

³⁵ Press Release, *Response from Representatives of Former Members of the Black Learners Advisory Committee (BLAC) and Original Members of the Council on African Canadian Education (CACE)*, May 10, 2013.

³⁶ *Africentric Learning Institute of Nova Scotia v. Nova Scotia (Registry of Joint Stock Companies)*, 2014 NSSC 319.



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The ALINS advanced two main arguments on the application for judicial review:

- (1) the Registrar applied the wrong legal test to determine whether the incorporated names; *Africentric Learning Institute of Nova Scotia* (ALINS) and *Delmore Buddy Daye Africentric Learning Institute* (DBDALI), were so similar as to likely cause confusion to the public; and
- (2) the meeting between Mr. Paul Ash and the Registrar, just prior to her approving amendments to DBDLI's corporate name (*DBDLI* to *DBDALI*), constituted a reasonable apprehension of bias.

With respect to the first argument, the law is clear that corporate names that are so similar as to likely cause confusion to the public are not permitted under the *Nova Scotia Companies Act*. Therefore, where the Registrar determines two corporate names are so similar, the company last to register must be directed to change its corporate name.

With respect to the second argument, the ALINS argued the attendance of Mr. Paul Ash at a meeting with the Registrar just prior to her approving amendments to the DBDLI's corporate name represented a reasonable apprehension of bias.

On August 28, 2014, the Nova Scotia Supreme Court decision found, that: (1) the Registrar applied the wrong legal test in determining whether the corporate names were so similar as to likely cause confusion to the public; and (2) a reasonable person appraised of the facts would conclude that the meeting between Mr. Paul Ash (*presumably acting on behalf of the Department of Education and Early Childhood Education*) and the Registrar represented a reasonable apprehension of bias.

The DBDALI fully accepted the decision of the Nova Scotia Supreme Court. However, the Court's finding on the second issue implies Mr. Ash was acting solely as an employee of the Department of Education and Early Childhood Development and brought the authority of the Department to bear on the Registrar's ultimate decision. This finding is truly unfortunate as Mr.



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Ash was clearly acting on instructions from the inaugural ALI Board, and performing the tasks expected of him as secretary. It should be noted that, in the end, the Nova Scotia Supreme Court decision is quite insular, dealing solely with the two (2) issues referenced above.

Importantly, the Nova Scotia Supreme Court was not asked to determine who is the Africentric Learning Institute as contemplated by the *1994 BLAC Report on Education*, the *1995 Minister's Response to the BLAC Report*, the *2003 Report of the Black Implementation Review Committee*, the *2009 Reality Check Report*, or the *2010 Minister's Response to the Reality Check Report*.

2014 - DBDALI Annual General Meeting

The DBDALI held its 2014 Annual General Meeting in Halifax on July 10, 2014. The meeting was open to the public and was well attended. The meeting was conducted in an open and transparency manner with full emphasis on accountability. You may access all information regarding the 2014 Annual General Meeting, including executive reports, financial statements and independent audit on the DBDLI website.

2014 –Nova Scotia Supreme Court Orders Change of Name for the DBDALI

On September 18, 2014, the Delmore Buddy Daye Africentric Learning Institute officially changed its corporate name to the *Delmore Buddy Daye Learning Institute*.