

Ta'an Kwäch'än Judicial Council

Decision on Complaint Regarding Removal of a Board Member for Compromising the Dignity or Effectiveness of Office

Date: January 4, 2007

Case Number: TKJC06-16

Applicant: Edythe Maloney

The Ta'an Kwäch'än Judicial Council received a complaint from the applicant, dated October 13, 2006. The applicant charged that a member of the Board, Ms. Jackie Bazett, compromised the dignity or effectiveness of her office by allegedly phoning the applicant on September 26, 2006 and using abusive and disrespectful language when discussing the appointment of Directors to the Ta'an Kwäch'än Board. The applicant requests that the Judicial Council remove Ms. Bazett from her Director position.

This is a charge filed pursuant to 12.2 of the Constitution of the Ta'an Kwäch'än, dated July 13, 2004. That section of the Constitution requires that the Board member who is the subject of the charge be notified and respond to the charge in writing to the Judicial Council.

Following a review of a facsimile receipt submitted by the applicant and information respecting telephone communication between the Board member and the Judicial Council Secretariat, the Judicial Council is satisfied that Ms. Bazett received a copy of the complaint from the applicant. However, Ms. Bazett failed to comply with 12.2.3 of the Constitution requiring her to respond to the charge to the Judicial Council, in writing, within 30 days. Consequently, the Judicial Council has relied solely on the material provided by the applicant during its deliberation of this matter. The Judicial Council notes that the Constitution applies to all Ta'an Kwäch'än Citizens, and Board members such as Ms. Bazett have a special responsibility to uphold and conform to it.

The Judicial Council views its authority to remove members selected to serve on the Ta'an Kwäch'än Board as one that will only be exercised under extraordinary circumstances, such as when it determines that a member has acted in a manner that brings the Ta'an Kwäch'än Board into widespread public disrepute or renders the Board incapable of operating effectively.

If the events alleged in this application are true, they demonstrate poor personal judgment and behaviour by Ms. Bazett. While objectionable if true, the Judicial Council has concluded that Ms. Bazett's alleged behaviour did not bring widespread disrepute to the Ta'an Kwäch'än Board or render it incapable of functioning effectively, and we do not find her alleged behaviour otherwise so egregious to warrant that she be removed from office.

Decision: The Judicial Council dismisses the request by Edythe Maloney that Jackie Bazett be removed from the Ta'an Kwäch'än Board for compromising the dignity or effectiveness of her office.

Issued by the Ta'an Kwäch'än Judicial Council this 4th day of January 2007.



Chuck Hume
Judge



Michael Dougherty
Judge



John Bailey
Judge