23.13.102 Definitions  As used in this chapter, the following definitions apply:

…

(2) “Case status committee” is a three-member committee of the POST Council, appointed by the Chair of the council. The council chair shall designate a chair of the case status committee. The case status committee’s purpose is to determine whether allegations of misconduct by a public safety officer should be investigated by POST staff, to determine whether a certificate sanction is appropriate, to determine the appropriate sanction to a certificate upon a finding of misconduct, and to review other proposed actions at the request of the director. The director will act based upon a majority vote of the case status committee.

…

(27) “sexual misconduct” is defined as:

(a) any sexual activity, contact, or communication which occurs while the officer is on duty;

(b) any sexual contact without consent as defined in 45-5-501(1)(b), MCA, without regard to whether such violation results in criminal charges or a conviction, including gratuitous physical contact with suspects or other civilians, such as unnecessary searches, frisks, or pat-downs;

(c) any sexual activity, contact, or communication, on or off duty, which the officer facilitates with public safety agency property, resources, or information systems;

(d) procuring, observing, or disseminating pornographic or sexually offensive material either on duty or using department property or resources, when such procurement, observation, or dissemination is not related to the officer’s official duties;

(e) engaging in sexual harassment as defined in applicable laws; or
(f) any other sexual conduct which, whether committed in the officer’s capacity as an officer or otherwise, is prejudicial to the administration of justice or reflects adversely on the employing authority’s integrity or the officer’s honesty, integrity, or fitness as an officer.
23.13.702 Grounds for Sanction, Suspension, or Revocation of POST Certification

(1) The case status committee and the executive director or the council will consider any legitimate allegation made against any public safety officer that may result in the denial, sanction, revocation, or suspension of that officer’s certification.

…

(3) The grounds for denial, sanction, suspension, or revocation of the certification of public safety officers are as follows:

…

(l) the use of excessive or unjustified force in conjunction with official duties; or

(m) the denial, sanction, suspension, or revocation of any license or certification equivalent to a POST certification imposed by a board or committee equivalent to POST in any other state; or

(n) engaging in sexual misconduct as defined in these rules.
23.13.703 Procedure for Making and Receiving Allegations of Officer
Misconduct and for Informal Resolution of Those Allegations by the Director

... 

(5) After the employing authority has been notified and given the opportunity to act, the director or POST staff may accept an allegation to be presented to the case status committee. If an allegation is received from an employing agency, the executive director may, if appropriate under the circumstances, send a “Letter 1” (as described in the POST Council’s policy and procedure adopted under subsection (1)) to the officer prior to consultation with the case status committee, provided the director notify the committee of the Letter 1 as soon as practicable.

(6) The director may initiate an allegation, based on good cause and reliable information, and must follow the procedure set forth in this rule as if initiated by any other individual, including but not limited to submitting the complaint to the employing authority.

(7) After an allegation has been received or has been initiated by the director, the director, in consultation with the case status committee and contested case counsel for POST, will correspond with the respondent in writing.

(8) After an allegation is made by or filed with the director, and upon a majority vote of the case status committee, the director, contested case counsel for POST, or other POST staff or designees will investigate the complaint.

(9) Following the review and investigation of an allegation, communication with the respondent, communication with the employing authority, and consultation with counsel for POST, and based upon a majority vote of the case status committee, the director may take any appropriate action, including but not limited to the following:
10) If a review of the conduct of an officer is pending before any court, council, tribunal, or agency, the director may, as a matter of discretion, stay any proceedings for denial, sanction, suspension, or revocation pending before the council, no matter what stage or process they have reached, until the other investigation or proceeding is concluded. If the case has already been assigned to a hearing examiner, the hearing examiner must grant a stay based on an application by the director or counsel for POST. The director will notify the case status committee of the stay at the next available opportunity.
23.13.704 Requests for a Formal Contested Case Hearing Under MAPA

(2) Any person public safety officer or employing authority aggrieved by a decision of the director or a decision of the council, other than a decision by the director to deny, sanction, suspend, or revoke a certificate, that is not a final decision following a contested case hearing, as provided in 2-4-623, MCA, may request a contested case hearing before the council by following the procedures set forth in Title 2, chapter 4, part 6, MCA the denial be placed on the agenda for consideration by the council at the council’s next regularly scheduled meeting.
23.13.706  Contested Cases, Emergency Suspension of a License  (1) Pursuant to 2-4-631(3), MCA, if the director or the council determines that public health, safety, or welfare requires emergency action, the director or council may immediately suspend a certification. The order must include findings justifying emergency action, and regular proceedings must be promptly initiated. If the director takes emergency action to suspend a certification, the director will inform the case status committee as soon as practicable and will take further action based upon a majority vote of the committee.
23.13.719 Decision and Order, Stays

(7) Case status committee members may not participate in deliberations or any decision of the full council regarding the denial, revocation, or suspension of an officer’s POST certification, unless the committee member did not participate in the committee’s decisions on the matter and did not participate in committee meetings at which the matter was discussed.
23.13.721 Appeals  (1) A party, other than the council, adversely affected by a final POST Council decision rendered after a contested case proceeding, may appeal to the Montana Board of Crime Control pursuant to ARM 23.14.1004 and 44-4-403(3), MCA. The decision of the Montana Board of Crime Control is the final agency decision subject to judicial review pursuant to 2-4-702, MCA.

(2) The council may appeal to the Board of Crime Control under the conditions provided in Title 2, chapter 4, part 6, MCA.