

**MONTANA BOARD OF REGENTS OF HIGHER EDUCATION**  
**Policy and Procedures Manual**

**ITEM 126-108-R0305**

SUBJECT: PERSONNEL

Policy 711.2 - Criteria for Board of Regents Contract; Non-faculty Personnel

***Effective July 7, 1994; Issued September 28, 1994***

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***Board policy:***

~~1. Administrative employees with substantial policy-making authority and professional employees are eligible to receive a Board of Regents employment contract upon recommendation of the university president and the Commissioner and approval of the Board of Regents.~~

~~A classified position may only be changed to a Regents' contract if the position is vacant and the assigned duties have been modified to meet the provisions of this policy. The position may then be filled through an approved recruitment and selection process.~~

~~2. a. Each university shall develop a policy defining the specific criteria for receipt of a Board of Regents employment contract in order to:~~

~~1) provide for consistent treatment of similar positions throughout the university;~~

~~2) maintain the number of Regents' contract employees at the minimum necessary for efficient operation; and~~

~~3) distinguish between administrative and professional employees. Both universities should coordinate their policy development efforts through the Commissioner's Office in order to achieve as much system uniformity as is practical.~~

~~b. A university may change an occupied position from a Regents contract position to a classified position if such position does not meet the criteria established in university policy. The employee shall be provided the same notification required in policy 711.1 prior to any such involuntary change in employment status. The employee's salary will be set in accordance with the state pay plan rules.~~

~~c. A change in employment status may be a condition of a transfer or promotion to a new position.~~

I. Objective:

This policy is intended to:

a. Provide for consistent treatment of similar positions throughout the Montana University System;

b. Prevent the use of Board of Regents' Contracts as a mechanism to circumvent the Montana University System classified staff compensation plan; and

c. Maintain the number of Regents' contract employees at the level necessary for Regents to properly exercise their constitutional duty to fully supervise, manage and control the Montana University System.

II. Criteria:

Employees who meet one of the following definitions and whose positions are not fully funded by grants, contracts, or other unstable, typically external funding sources are eligible to receive a Board of Regents employment contract upon recommendation of the university president and the Commissioner and approval of the Board of Regents:

A. The Commissioner of Higher Education and an employee who is a senior administrator of a campus of the university system (i.e., President, Chancellor, Vice President, Vice/Associate Chancellor, Provost, Associate Provost, Dean of an independent College of Technology);

B. An employee reporting directly to the Commissioner, Deputy Commissioner, or Associate Commissioner; or to a President, Chancellor, Vice President, Provost, Dean or Vice/Associate Chancellor in an executive capacity (e.g., Associate Dean, Associate Vice President, Legal Counsel, Academic Dean, Executive Assistant to the President);

C. An employee who is director of a department, office, or agency; has substantial policy-making and budgetary authority for the unit; and reports to a senior administrator of a campus or an individual defined in A or B above;

D. An employee who functions in the capacity of associate or assistant director of a department or agency; reports directly to the director of that unit; and has decision-making authority for the unit in the absence of the director.

E. Coaches and assistant coaches

III. Conditions:

A. A university may change an occupied position from a Regents' contract position to a classified staff position if such position does not meet the criteria established by this policy. The employee shall be provided the same notification required in Policy 711.1 prior to any such involuntary change in employment status. The employee's new salary will be set in accordance with the MUS staff compensation plan rules.

B. A classified position may only be changed to a Regents' contract position if the position is vacant and the position description has been modified to meet the provisions of this policy. The position may then be filled through an approved recruitment and selection process.

C. This policy is in effect upon approval by the Board of Regents. Any incumbent employee on a Board of Regents' Contract employment status whose position does not meet the requirements of this policy shall not be required to discontinue such employment status solely as a result of implementation of this policy. In the event the position(s) held by such individual(s) becomes vacant, the position shall no longer be considered a Regents' Contract position and shall be converted to the appropriate employment status.

D. Not all positions exempt from overtime provisions of state and federal regulations are eligible for Board of Regents' Contract employment status. However, only those positions legitimately exempt from state and federal overtime regulations are eligible for such employment status.

E. Eligibility for Board of Regents' status is not determined solely on the basis of job title or the job title of the person to whom the position reports. Responsibilities, duties, and decision-making authority are determinant factors, as described above.

***History:***

Item 83-002-R0594, Criteria for Board of Regents Contracts; Non-faculty Personnel, approved July 7, 1994.

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