

Non-Employee Appointments Policy

Subject Personnel

Web Link https://www.montana.edu/policy/non_employee_appointments.html

Effective Date January 1, 2019

Revised Date January 15, 2025

Review Date January 2028

Responsible Party University of Human Resources

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100.00 Introduction and Purpose

There are rare occasions when MSU wishes to appoint individuals to perform services that are provided without remuneration and for the benefit of the institution, or pursuant to an exchange program or grant. These individuals will be designated as non-employees for purposes of the workforce. However, these non-employees may be granted access to university property, facilities, or information systems as necessary for the services they perform.

To assure the university is aware of, and maintains control of, the services and access privileges granted to such individuals, departments wishing to appoint a non-employee will consult Human Resources to appoint non-employees as outlined in this policy. Unless persons are appointed in accordance with this policy, they will not be granted access to any restricted property, facilities, and/or information systems.

For purposes of this policy, a non-employee is an individual appointed for at least one day to perform non-remunerative services that directly or indirectly benefit the university. No employer-employee relationship will exist between an individual serving in a non-employee position and the university. There is no promise to pay or hire a non-employee for services rendered.

200.00 Types of Non-Employee Appointments

If a department wishes to appoint a non-employee, the department must submit the appropriate form requesting approval of the non-employee appointment.

- a) Non-Employee (also known as Affiliate)/COURTESY FACULTY: Individuals who meet the eligibility for an Non-Employee/Courtesy Faculty Appointment as those appointments are described in the MSU Faculty Handbook.
- b) *Affiliate faculty appointments are unpaid courtesy appointments of persons with appropriate professional or academic credentials who will make a substantive contribution to the department and the university in fulfilling its mission. The Affiliate's credentials will be reviewed to determine whether he or she is appropriately qualified for the assignment. Affiliate appointments may be granted for up to one academic year, are renewable, and may be discontinued at any time without prior notice. Affiliate appointments are not eligible for university benefits and have no faculty rights under this handbook.*
- c) If the non-employee requires access to MSU facilities or MSU information technology services, the status as a non-employee will be sufficient to allow such

access once approved by the Provost in writing. A [Request for Approval of Non-employee Appointment Form](#) will need to be submitted. If you need a hardcopy of this form, please contact Human Resources at (406) 994-3651.

- d) **STUDENT AFFILIATE:** Individuals who are registered students at the high school, college or university level at an institution other than MSU and placed through special academic programs to conduct science projects, learn from and observe university operations, serve an internship, etc., but are not otherwise registered as a student at MSU. There must be a written agreement in place with the student's home institution establishing the terms of the placement. A [Request for Approval of Non-employee Appointment Form](#) will need to be submitted Human Resources at (406) 994-3651.
- e) **VISITING RESEARCHER:** Individuals supported by non-MSU funds (fellowships, Fulbright Scholars, employed by another institution or private entity) conducting research with an MSU faculty member. There must be a written agreement in place with the funding source establishing the terms of the placement. A [Request for Approval of Non-employee Appointment Form](#) will need to be submitted Human Resources at (406) 994-3651.
- f) **VOLUNTEER (VOL):** Individuals who volunteer to perform civic, charitable, or humanitarian services for the university, provided that:
 - i. The person receives no compensation, paid expenses, or reasonable benefits to perform the services;
 - ii. There is no promise or expectation of compensation or employment for services rendered;
 - iii. Such services do not substitute for services performed by university employees;
 - iv. Such services are low risk and present minimal exposure to liability to the university and are considered non-essential and non-critical to the operations of the department.
 - v. Volunteers must be appointed by following the requirements in the university [Volunteer Policy](#) and must be reported to HR upon appointment.

A [Request for Approval of Non-employee Appointment Form](#) will need to be submitted. If you need a hard copy of this form, please contact Human Resources at (406) 994-3651.

Foreign nationals who are seeking appointments to a non-employee appointment must be approved by the Office of International Programs, in addition to Human Resources approval, before they can be appointed. The Office of International Programs will be responsible for assuring the appointee has the appropriate visa status and is eligible to serve in the proposed non-employee appointment. Foreign nationals who will be present in

laboratories or involved in research activities will need to be approved by the Office of Research Compliance to assure compliance with the [Export Control Requirements](#). International visitors who are waiting for employment authorization are not eligible for non-employee appointments while waiting to receive employment authorization.

Non-employee appointments must be reviewed and processed by the Office of Human Resources prior to authorization and the issuance of access to any university facilities, information technology services (e.g., email account), or other university services (e.g. access to Recreational Sports and Fitness Facilities).

300.00 Appointment Process

The sponsoring department will submit the appropriate Non-Employee Appointment Form.

Individuals in these non-employee appointments who are on campus or interact with the university community shall be subject to a background check before appointment. In determining whether an exemption is appropriate, the type of access requested, level of anticipated supervision, and prior association with the university shall be considered.

Where a background check is warranted, the university will use the [Employment Background Check Policy](#) to guide the background check process for these individuals.

Upon approval by Human Resources, the non-employee will be entered in the university Banner system and Human Resources will send a confirmation email to the initiating department with a copy of the approved form. No other departments may issue identification cards, access to facilities, email accounts, or other restricted services until the appointment is approved by Human Resources.

400.00 Terms and Conditions

- a) Non-employee appointments are made at the discretion of the University and may be terminated at any time. The Provost must approve all Non-Employee Faculty Appointments and Student Affiliate Appointments. The Vice President for Research must approve all Visiting Researcher appointments.
- b) A non-employee may not displace a paid position or services that require compensation from MSU under law or policy.
- c) Appointments, assignments of duty, and dismissals of individuals who are not employees are not subject to the Human Resource policies of the university that govern employees.

- d) Non-employees cannot begin to render services or use university property or equipment until all necessary background checks and approvals are granted. Non-employee appointments that do not comply with this policy will be considered unauthorized and will be subject to restriction of access to university facilities and services.
- e) Generally, non-employees cannot be appointed for more than one year but may be reappointed upon expiration of the term if approved as outlined in this policy. Departments with a business need to appoint the non-employee for longer than one year may request a longer appointment upon a showing of the unique business need.
- f) Non-employees cannot be less than 16 years of age. Appointments of non-employees under the age of 18 are subject to the review of the University Human Resources to ensure that the appointment and the duties performed are appropriate for a minor.
- g) Non-employees are not covered under the university's Workers' Compensation Insurance and Unemployment Compensation Insurance programs.
- h) Non-employees are not eligible to participate in any employee benefits program administered by the university.
- i) If a non-employee applies for an employee position and is hired, service in a non-employee appointment is not considered as time served for purposes of eligibility for internal searches or for credit related to employee benefits or retirement programs or service credit.
- j) Individuals who have been dismissed for cause from employment with the university, or who were not employed as the result of an unacceptable background check, are not eligible for non-employee service with the university.
- k) The university [Relationships in the Workplace policy](#) will apply to non-employee appointments.
- l) Individuals in non-employee appointments must comply with the university [Discrimination, Harassment, and Retaliation policy](#).

500.00 Completion of Appointment

The appointing department will notify University Human Resources and the Cat Card Office when a non-employee's appointment has expired or is no longer providing services. University Human Resources may conduct periodic reviews to determine the appointment status of non-employees. Non-employees who no longer work with, or provide services to,

the university will be terminated by the appointing department or by University Human Resources.

600.00 Special Provisions

The safety and security of university properties and its human resources is an important priority for the university. Non- employee appointments must comply with applicable university policies related to safety and security concerns.

Any work performed by non-employees which would require approval under university policies must be approved before performed (for example, any work on, or access to export controlled technology, human subjects, animals, biological agents, radiation or any other matters that require compliance with federal regulations prior to performing the work is subject to the same training and approval requirements that would be required of students or employees performing the same tasks).