

**Opinion No. 128.****Teachers' Retirement—Teacher, Defined, Qualification for University Employee.**

HELD: 1. A person employed by the State University and performing duties required of the administrative, instructional or scientific staffs, is eligible for membership in the teacher's retirement system.

2. Actual or exclusive teaching is not a pre-requisite qualification for membership.

September 6th, 1939.

Mr. Ray N. Shannon, Chairman  
Board of Teachers' Retirement System  
Helena, Montana

Dear Mr. Shannon:

The question has arisen as to whether or not a person possessed of the following qualifications is entitled to become a member of the Teachers' Retirement System: The applicant is

Acting Dean of Women at the Montana State University. Her duties require her to perform general supervision over women students such as counseling and advising them in the selection and changing of courses, academic requirements, living conditions, social life, moral questions, and similar matters. She advises with the President and faculty and serves on such committees as curriculum, scholastic and admission, and performs many other similar and general duties pertaining to the welfare of the students and the University.

Paragraph (C) of Section 4, Chapter 215, Laws of 1939, provides that persons who become teachers or re-enter the teaching service in the University of Montana on or after the 1st day of September, 1939, shall become members of the Retirement System.

Paragraph (4) of Section 1 of said Chapter, defines the word teacher as used in the Act in its relationship to the teachers at the State University as "any administrative officer or member of the instructional or scientific staff of the University of Montana; provided that no person shall be deemed a teacher within the meaning of this act who is not so employed for full time outside vacation periods."

Inasmuch as the applicant is a member of the administrative, instructional or scientific staffs of the University of Montana, and performs duties required of such staffs, assuming she possesses the other qualifications required by law, she becomes a member of the Teachers' Retirement System. The mere fact that her duties are not exclusively those of teaching is immaterial.

The statute requires only that she be a member of the administrative, instructional or scientific staffs of the University of Montana.