



**Montana Teachers' Retirement System**  
**Policy 2-0600-002**  
**Board Communications with Members, Employers, and Others**

**Section:** Organizational

**Implementer:** TRS Governing Board

**Effective Date:** November 13, 2009

**Revision Date:** February 26, 2016

**Purpose:**

This policy describes the circumstances and conditions under which a TRS Board Member may provide information pertaining to the conduct of TRS business to TRS participants, employers, or other persons. This policy is intended to recognize and support the role of TRS Board Members as public representatives of the retirement system while ensuring that any individual communication by a Board Member, occurring outside of the official conduct of Board business:

- is consistent with TRS's high standards for correctness and completeness in communicating:
  - standards and processes related to plan administration,
  - criteria applied in making eligibility and benefit determinations,
  - and explanations of the rights and obligations of TRS members and employers as TRS participants;
- is consistent with the individual Board Member's and the whole Board's fiduciary duties and responsibilities; and
- does not create or appear to create a conflict of interest for the Board Member with respect to any matter or contested case that may come before the Board as a whole.

**Policy:**

1. Official action of the TRS Board may be taken only by the Board as a whole or by a quorum of the Board in an official Board meeting.
2. A TRS Board Member may represent him/herself as a TRS Board Member and may:
  - a. Provide general information about the retirement system to any participant or employer or any group thereof, including that a Board Member may:
    - i. Generally describe the retirement system;
    - ii. Hand out pre-prepared materials of the retirement system that describe the retirement system's benefits and processes;
    - iii. Refer individuals to the statutes, administrative rules, and policies that govern the retirement system;

- iv. Direct participants and employers to the information available on the TRS website; and
    - v. Refer individuals with inquiries to TRS staff.
  - b. Provide general information pertaining to the governance of the retirement system, including that a Board Member may:
    - i. Generally describe the financial/funding status of the retirement system and provide copies of the retirement system's financial documents;
    - ii. Generally describe the official position the Board has taken in contested matters, but only in matters that are fully concluded and no longer pending with the Board; and
    - iii. Generally describe the official governance policies adopted by the Board and provide copies or refer individuals to the written policies on the TRS website.
- 3. A TRS Board Member may not:
  - a. Provide information or advice regarding the benefits of a particular participant or group of participants or about the legal obligations of any participant or employer, including that a Board Member may not:
    - i. Attempt to construe statutes or administrative rules as applicable to the specific circumstances of a participant or employer; or
    - ii. Attempt to apply prior adjudicatory positions of the board to the current circumstances of a member or employer
  - b. Represent the position of the retirement system on pending legislation unless the position has been adopted by official Board action.
  - c. Disclose any confidential information of the retirement system to any person, including that a Board Member may not:
    - i. Disclose any information that has been identified as being subject to a right of privacy that exceeds the public's right to know; or
    - ii. Disclose any information that constitutes litigation strategy or has been designated by legal counsel as subject to attorney/client privilege or attorney work product privilege; or
    - iii. Disclose any other information made available to the Board member in executive session of the Board or in conference with legal counsel representing the retirement system or the Board, and which has not subsequently been made part of the public record by the retirement system.
  - d. Discuss a matter or issue which is pending or may be brought before the Board for determination in either its governing or quasi-judicial capacity, discuss his/her personal opinion of the matter or issue, or speculate regarding the Board's likely or possible determination of the matter or issue.

**Cross Reference:**

Mont. Constitution Art VIII, §15

TRS Policies:

1-0200-001 Ethical Conduct / Conflict of Interest

2-0500-003 Privacy and Security of Personal Information and Notification of Breach of the Security of a Data System

**Signature:**

By board action taken on (date) February 26, 2016, and by my signature below, the TRS board has authorized implementation of this original or modified policy. The effective date of this policy is:

X  the date of board action set forth above

(date)  .

BY: Kari Peiffer, Board Chair

/s/ Kari Peiffer   
Signature

**TRS policies may be amended or revoked from time to time, effective from the date of board action or later date as specified in the policy. The official version of any TRS policy is the version currently posted on the [TRS Board Policies webpage](#) and deviation will be resolved in favor of the official version. Please review the material online prior to placing reliance on printed or archived versions.**