



Chair's Interpretation of UNLV Bylaws

Relevant Bylaw:	Chapter III, Section 6.1.d
Request filed:	August 31, 2026
Issued by Faculty Senate Chair:	September 30, 2026
Consultation with Bylaws Committee:	October 1, 2026
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SUMMARY

UNLV Bylaws Section 6.1.d states that “faculty of an equal or higher rank” may vote on the promotion of another faculty member. Based on Senate precedent and university practice, “rank” in this context has meant ordinal rank, not academic rank.

INTRODUCTION

According to UNLV Bylaws Chapter I, Section 2.2, any UNLV faculty member may submit a request for the Chair of the Faculty Senate to interpret the university bylaws. A request was made to interpret Chapter III, Section 6.1.d as it applies to voting rules on promotion for Rank 0 faculty. That provision states:

All academic faculty of an equal or higher rank to which the applicant aspires may vote on applications of non-tenure track faculty for promotion.

The specific problem presented concerns the meaning of “rank,” as applied to differences between tenure track faculty and non-tenure track faculty formerly known as Faculty-in-Residence (FIRs), and now known as teaching professors.¹

There are potentially two ways to interpret what rank means: academic rank or ordinal rank.

Academic Rank: One way to understand rank may be in terms of academic title. Tenure track faculty typically begin as assistant professors and then can advance to be associate and then full professors. In a similar way, a teaching professor could begin as an assistant teaching professor, and then advance through her career to be a full teaching professor. Thus, “equal or higher rank” might mean that only a faculty member ranked associate or full can vote on the promotion of an assistant teaching professor, and only a faculty member ranked full can vote on the promotion of an associate teaching professor to full professor of teaching.

Ordinal Rank: The other way to understand “rank” is ordinal rank. An assistant professor (tenure track) is Rank II, and she can rise ultimately up to Rank IV (full professor). But a teaching professor (non-tenure track) begins at Rank 0 and will stay at Rank 0 even if promoted to full teaching professor (Rank 0-IV). Thus any assistant professor (tenure-track) could vote on the promotion of an associate teaching professor to full teaching professor.

The Requestor of this interpretation explained the nut of the potential problem with using ordinal rank: “a newly hired assistant professor (Rank II) is positioned to vote on the promotion of an Associate Faculty in Residence to Full, while the reverse is not possible.” This strikes some faculty members as inequitable, which led to this request for interpretation. By contrast, if we use academic rank, then an assistant professor could not vote on the promotion of an associate teaching professor.

This is a close question on which reasonable people may differ.

ANALYSIS

Precedent and Practice. I am not writing on a blank slate. In 2024, Chair Deborah Arteaga was asked to interpret Section 6.1.d with regard to whether all tenure track faculty can vote on the promotion of FIRs. She answered as follows:

Our interpretation of Section 6.1.d of the UNLV By-laws is that all tenure-track faculty members can vote on promotion cases of FIRs to Associate or to Full FIRs.

¹ The Bylaws refer to Faculty-in-Residence, which was the operative title until this year. Because I am interpreting the Bylaws, all references to FIRs should be understood to apply to teaching professors.

This is because FIRs are at Rank 0, and Assistant Professors are at Rank II.

Thus, our precedent is to use ordinal rank. The Requestor acknowledges that ordinal rank has been the practice at UNLV. However, she has offered cogent arguments in favor of academic rank. Because these arguments are important and thoughtful, I am reprinting them for reference in an appendix.

Textual Analysis. The Requestor's most persuasive textual argument stems from Bylaw 18.1.1(B). That provision states that FIRs may be promoted in "academic rank as specified in Chapter III, Section 16." Section 16 describes procedures for promotion of faculty by academic rank, from assistant to associate to full, and thus seems to favor the academic rank interpretation. However, this argument is partially undermined by the fact that Section 16 invokes both academic and ordinal rank. It focuses the relationship between tenure and promotion, which has no application to teaching professors/FIRS (who are not eligible for tenure). Thus, while the Requestor's argument has some force, the reference in Section 18 to Section 16 may mean nothing more than to apply the three standard academic ranks (assistant/associate/full) to teaching professors.

In other respects, the Bylaws are less than clear. The Bylaws often refer explicitly to "academic rank" in many sections, which means that when the Bylaws simply say only "rank" it is plausible that they mean something other than academic rank (or are at least unclear). Thus, in sum, although the Requestor's textual argument has some force, I conclude that textual analysis is inconclusive. Section 6.1.d is simply not clear about what it means by "equal or higher rank."

Equity and Policy Concerns. The Requestor argues forcefully that the current practice at UNLV is inequitable. I agree, personally. I do think there is inequity in a very junior tenure-track faculty member voting on the status of a very senior teaching professor, especially when the teaching faculty can never vote on the promotion of a tenure track faculty member. I also found very interesting the Requestor's report that some peer institutions use academic rather than ordinal rank, though I have not attempted to conduct my own comparative survey on the subject.

However, while I find these arguments compelling, these equity arguments are fundamentally subjective value judgments. They are relevant, but as I will explain below they are not the most favored tool for interpreting the Bylaws.

CONCLUSION

Adopting the correct interpretive approach is essential to determining the correct answer in close interpretive questions, so I will explain briefly the method that I am using. In order of weight, the first tool for interpreting the Bylaws should be the text

of the bylaws themselves. If the text, read in its full context, has a clear or most likely meaning, that should carry the day. Second, when the text is ambiguous, precedent and past practice should be given significant weight. Stability of interpretation of the Bylaws is generally helpful for healthy functioning of the university. When the text is ambiguous, the Chair should be reluctant to depart from precedent given that there is an alternative process to change the Bylaws rather than simply reverse a longstanding interpretation. Finally, university values like equity are relevant, but they should be given the least weight because they are inherently the most subjective. Whenever possible, such decisions are better made through shared governance structures (i.e. proposed revisions to the bylaws) rather than through interpretation by one person (i.e. the chair).

In this case, I find analysis of the text to be inconclusive. Section 6.1.d is ambiguous about what it means by “rank.” But practice and precedent are clear. Rank in this context has meant ordinal ranks. This thus resolves the interpretive question. Rank in Section 6.1.d should be understood as it has been understood in the past, as ordinal rank.

This interpretation does not mean that I think that using ordinal rank is the best policy for UNLV. My role here is to interpret a text that is, in my opinion, unclear but for which we do have clear precedent and practice.

I am alerting the Bylaws Committee to consider whether any amendments to Section 6.1.d to switch to academic rank should be proposed. If the Committee is interested in this possibility, I encourage the Bylaws Committee to consult with the Provost’s Office and to research approaches used at peer institutions. If such a change in our practice is to be made, I believe it should be done through deliberation of a committee and the Faculty Senate, followed by review by the Provost and President.

Issued by:



MICHAEL KAGAN
Chair, UNLV Faculty Senate

APPENDIX: Arguments Offered by Requestor

I believe the ordinal track-based reading sits uneasily with the bylaws' own text in several respects:

1. Section 18.1.1 provides that Faculty in Residence are promoted under the same guidelines for academic rank as other faculty (Chapter III, Section 16), and Section 16's ranks are Assistant, Associate, and Full. When 6.1.d refers to "the rank to which the applicant aspires," a FIR applicant would therefore seem to be aspiring to Associate or Full. Under the ordinal reading, it is difficult to give that phrase any effect for FIR applicants, since a Rank 0 applicant would be aspiring to Rank 0.
2. Section 6.2.a refers to "promoted (Associate or Full) faculty in residence," which indicates that the bylaws themselves contemplate FIRs holding Associate and Full ranks. If all FIRs were understood simply as Rank 0, that language would serve no purpose, so there would have been no reason to include it in the bylaws.
3. The ordinal reading permits something the text does not expressly provide for: an assistant professor voting on a promotion to Full, a rank above their own. The simpler reading of "equal or higher rank to which the applicant aspires" would be that an Assistant Professor does not vote on promotions to Associate or Full, regardless of track, which is consistent with how 6.1.c already operates for tenured faculty.

I recognize that the strongest textual support for the current reading is Section 18.1, which states that Rank 0 academic faculty "typically do not conform to the general guidelines of academic rank as specified in Chapter III, Section 16." My view is that "typically" is doing important work in that sentence, and that the FIR-specific subsection (18.1.1) is precisely the exception it anticipates. Unlike lecturers, FIRs are expressly promoted through Section 16's Assistant/Associate/Full structure. It seems likely that lecturers, who do not carry those titles, are the reason rank was flattened to track in the first place; if so, that concern could be addressed through a carve-out for lecturers rather than a reading that reorders everyone else.

I think it is also important to note that if UNLV adopted an interpretation of "rank" as academic title rather than ordinal number, it would be in line with peer institutions. The University of California system, for example, provides that Professors vote on all promotions to Professor and Professor-in-Residence, and that Professors and Associate Professors vote on promotions to Associate Professor and Associate Professor-in-Residence (see UCLA's voting rights appendix: <https://apo.ucla.edu/policies-forms/the-call/appendices/appendix-4-voting-rights>). The University of Washington publishes a similar title-based promotion voting matrix: <https://ap.washington.edu/ahr/actions/promotions-tenure/promotion-and-tenure-voting-matrix/> There is also an equity dimension I would like to raise. Under the current interpretation, a newly hired tenure-track assistant professor may vote on the promotion of an Associate FIR to Full, someone who may have served the university for a decade, while that FIR cannot vote reciprocally on any tenure-track case. It has been conveyed to me that faculty believed they were voting on a title-based reading of 6.1.d: one under which a Full tenure-track professor and a Full Professor in Residence would both vote on the promotion of an Associate FIR to Full, because both hold equal rank in title, with the understanding that FIRs would vote only on non-tenure-track cases. Likewise, both a tenured Associate and an Associate FIR would vote on the promotion of an Assistant FIR to Associate, with Associate FIRs again

voting only on non-tenure-track cases. That arrangement was understood to be equitable. The interpretation as it has been conveyed departs from that understanding, which has raised concerns about fairness, particularly in units with a substantial number of Faculty in Residence.