

Chapter 2

Faculty Rights and Responsibilities

2.1 ACADEMIC FREEDOM

2.1.1 ACADEMIC FREEDOM IN SCHOLARLY AND CREATIVE ACTIVITIES

2.1.2 ACADEMIC FREEDOM TO TEACH

2.1.3 FREEDOM OF SPEECH AS A PRIVATE INDIVIDUAL

2.1.4 STATEMENT OF FREEDOM AND RESPONSIBILITY

2.2 FACULTY RIGHTS AND RESPONSIBILITIES

2.2.1 ADHERENCE TO UNIVERSITY REGULATIONS

2.2.2 STATEMENT OF PROFESSIONAL ETHICS

2.2.3 INDIVIDUAL FACULTY RIGHTS

2.2.4 RIGHTS OF THE FACULTY AS A WHOLE

2.2.5 RIGHT TO NON-RETALIATION FOR PARTICIPATION IN SHARED GOVERNANCE

2.2.6 INDIVIDUAL FACULTY RESPONSIBILITIES

2.2.7 EXPECTATION OF CIVILITY

2.2.8 ETHICAL TREATMENT OF EXPERIMENTAL SUBJECTS

2.2.9 SEXUAL HARASSMENT POLICY

2.2.10 USE OF COPYRIGHTED MATERIAL

PURPOSE

DEFINITIONS

POLICY

GUIDANCE

2.2.11 INTELLECTUAL PROPERTY RIGHTS

2.3 CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT

2.3.2 COURSE CONFLICT OF INTEREST

2.3.3 CONSENSUAL RELATIONS POLICY

2.3.4 NEPOTISM/EMPLOYMENT CONFLICT OF INTEREST

2.3.5 PRINCIPAL OCCUPATION

2.1 ACADEMIC FREEDOM¹

The academic freedom of faculty members includes the freedom to express their views on academic matters in the classroom and in the conduct of scholarly and creative activities, on matters having to do with their institution and its policies, and on issues of public interest generally. In the case of academic matters, effective teaching requires developing critical ability in one's students and an understanding of the methods for resolving disputes within the discipline; effective scholarship requires permitting the expression of contrary views in order that the evidence for and against a hypothesis can be weighed responsibly. In the case of institutional matters, grounds for thinking an institutional policy desirable or undesirable must be heard and assessed if the community is to have confidence that its policies are appropriate. In the case of issues of public interest generally, the faculty member is free to exercise the rights afforded to all private individuals and should not represent themselves or their work as speaking for JSU.

2.1.1 ACADEMIC FREEDOM IN SCHOLARLY AND CREATIVE ACTIVITIES ²

Academic freedom in scholarly and creative activities ensures scholars, artists, and researchers have the autonomy to pursue truth, knowledge, and artistic expression without interference or restriction. This freedom is essential for the advancement of academic disciplines and society at large. It allows researchers to explore controversial or unpopular topics, challenge existing paradigms and social institutions, enhance our understanding of the human condition, and present findings based on evidence and rigorous methodologies. Academic freedom includes such things as disseminating research findings, participating in scholarly debates, and engaging in public discourse. Institutions and governing bodies must support and protect this freedom to foster an environment where innovation, critical thinking, and intellectual growth can thrive.

2.1.2 ACADEMIC FREEDOM TO TEACH³

The freedom to teach includes the right of the full-time faculty to select content-relevant material, determine the approach to the subject, make the assignments, and assess academic performance in teaching activities for which faculty members are responsible.

How a faculty member chooses to teach, absent breach of professional ethics, is a matter of personal style. It should be influenced by the pedagogical goals and classroom dynamics of a particular course, discipline-specific standards, course delivery method, and the larger educational objective of instilling in students the capacity for critical and independent thought.

Faculty are encouraged to engage students in a manner to help them acquire these skills of critical thinking and independent thought. This may include faculty challenging a student's beliefs or preconceived notions, such as vigorously asserting a proposition or a viewpoint, however controversial, in order to engage students in debate and discussion in the classroom.

¹ Revised 03/2026

² Revised 03/2026

³ Revised 03/2026

However, a faculty member should do this in a manner which is respectful and professional and not hold a student up to verbal abuse or ridicule in class for advancing an idea grounded in religion, politics, or anything else.

A faculty member is also responsible for determining which facts, theories, and models to bring into a course. Faculty should carefully evaluate the relevancy of everything presented such that they give an accurate depiction of the topic/discipline and that those facts, theories, and models that are relevant to the learning outcomes for the course and program are covered. Faculty also have the right to discuss in the classroom what they see as deficiencies in the textbook or other supplementary material, based on their own expertise.

Teaching duties that are commonly shared among a number of faculty members (e.g., teaching multi-section courses or teaching in discipline-specific accredited programs) may require a significant amount of coordination and the imposition of a certain degree of structure, often involving a need for agreement on such matters as general course content, textbook(s), syllabi, and examinations. More broadly, faculty in each program will need to coordinate the development of student learning outcomes and assessment procedures. The deliberations leading to such decisions ought to involve substantial reflection and discussion by all full-time faculty who teach the course. The department should have a process for periodically reviewing curricular/textbook decisions and altering them based on consensus of the appropriate teaching faculty.⁴

2.1.3 FREEDOM OF SPEECH AS A PRIVATE INDIVIDUAL⁵

Faculty members have a right to speak and write as individuals, free from institutional censorship or discipline. At the same time, faculty members have a special position in the community which leads them to the obligation to be accurate, to exercise appropriate restraint, to show respect for the opinion of others, and to make every effort to indicate that they are not speaking for the institution. For example, identification of an affiliation with JSU in a social media profile or comments will naturally imply affiliation with JSU. Thus, a faculty member should include, where possible, a statement that this is a personal social media account and that the views expressed do not constitute official statements on behalf of JSU or represent the views of JSU as a whole.⁶ While the University will not regulate the content of lawful speech, assembly or related activity, the University may regulate the time, place, and manner of free speech and expressive activities in order to prevent unreasonable interference with or disruption of its educational and business functions, normal or scheduled uses of University property by the Campus Community, as well as to protect public health, safety, and welfare.⁷ Students, administrators, faculty and staff are free to take positions on public controversies and matters of public concern and to engage in protected expressive activity in outdoor areas of the

⁴ AAUP "Freedom to Teach" 2013

⁵ AAUP "Committee A Statement on Extramural Utterances" 1964; Revised 03/2026

⁶ [Policy V:03 Social Media Guidelines](#)

⁷ [Policy I:07 Campus Use and Protection of Free Speech](#)

campus, and to spontaneously and contemporaneously assemble, speak, and distribute literature.⁸ The University administration may initiate faculty disciplinary procedures if it deems that a faculty member has failed to observe the above admonitions and believes that the faculty member's extramural utterances raise grave doubts concerning the faculty member's fitness for continuing service. See the Faculty Handbook (Section 6.2.1) for discipline procedures.

2.1.4 STATEMENT OF FREEDOM AND RESPONSIBILITY⁹

Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways that injure individuals, damage institutional facilities, or disrupt the classes of one's teachers or colleagues. Speakers on campus must not only be protected from violence but also be given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution.^{10, 11}

Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible ways in which they may put that knowledge to use. Students should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or their own social behavior. Evaluation of students and the awarding of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, whether personality, race, ethnicity, nationality, sex, gender, sexual orientation, age, (dis)ability, religion, degree of political activism, or personal beliefs.

It is the mastery teachers have of their subjects and their own scholarship that entitles them to their classrooms and to freedom in the presentation of their subjects. Thus, it is improper for an instructor to intrude material persistently that has no relation to the subject, or to fail to present the subject matter of the course as announced to the students and as approved by the faculty in their collective responsibility for the curriculum.

Because academic freedom has traditionally included the faculty's full freedom as a private individual, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and institutions, on the other. If such conflicts preclude an instructor from fulfilling substantial academic obligations, then the instructor should either request a leave of absence or resign their academic position.

⁸ [Policy I:07 Campus Use and Protection of Free Speech](#)

⁹ AAUP "A Statement of the Association's Council: Freedom and Responsibility" 1990; Revised 05/2025

¹⁰ [Policy I:07 Campus Use and Protection of Free Speech](#)

¹¹ [Policy I:07:03 Non-Campus Community Expressive Conduct Policy](#)

2.2 FACULTY RIGHTS AND RESPONSIBILITIES¹²

Membership in the academic profession carries with it responsibility for the stimulation of students' intellectual growth, the advancement of knowledge, participation in shared university governance, and the improvement of society. Faculty must order and evaluate their activities in terms of their commitment to these goals, as well as in terms of their own personal and professional development.

Faculty should strive to improve the intellectual and practical effectiveness of the University. While teaching shall normally be a faculty member's primary responsibility, faculty also have a responsibility for scholarship/creative activities, university/professional service, and/or administrative duties. Other faculty responsibilities include academic advisement and/or mentoring of students; participation in department, college, and university governance; student recruitment and retention; and community engagement. A faculty member shall be responsible for carrying out assigned duties satisfactorily. The responsibility to spend time to improve one's teaching, keep current in one's field, to seek professional achievement in one's academic discipline, and to be collegial in one's relationships shall also be an obligation of faculty members.

The University does not wish to impose a rigid body of codified rules upon the members of its faculty. The University does, however, have certain legitimate expectations concerning the conduct of faculty. The obligations incumbent on faculty members at Jacksonville State University are outlined below in a general way.

2.2.1 ADHERENCE TO UNIVERSITY REGULATIONS¹³

An organization can operate effectively and consistently only if it has policies, guidelines, and rules to guide it and its members. Each faculty member has a responsibility to know these regulations and to adhere to them. If questions of interpretation arise, clarification should be sought from the department head, dean, Provost/EVPAA, or the President. Any exceptions mutually agreed to by the University's administration and a faculty member must be in writing and signed by the faculty member and the appropriate university officials.

2.2.2 STATEMENT OF PROFESSIONAL ETHICS¹⁴

Faculty, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end faculty devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting

¹² Revised 06/2023; 05/2024

¹³ Revised 06/2023; 05/2025

¹⁴ AAUP "Statement on Professional Ethics" 2009; Revised 05/2025

knowledge. They practice intellectual honesty. Although faculty members may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

As teachers, faculty encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Faculty demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Faculty make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between faculty member and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from their students. They protect their students' academic freedom.

As colleagues, faculty have obligations that derive from common membership in the community of scholars. Faculty do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Faculty acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Faculty accept their share of responsibilities for the governance of their institution.

As members of an academic institution, faculty seek above all to be effective teachers and scholars. Although faculty observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Faculty give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, faculty recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

As members of their community, faculty have the rights and obligations of other private individuals. Faculty measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As people engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

2.2.3 INDIVIDUAL FACULTY RIGHTS¹⁵

All faculty members have the right to:

- enjoy academic freedom as defined in the Faculty Handbook (Section 2.1).
- determine their research pursuits, creative works, or other scholarly activities within the mission of their academic unit and area of expertise.

¹⁵ Revised 12/2025

- propose new curriculum, programs, initiatives, or revisions to existing curriculum, programs, and initiatives
- be involved in determining their professional, university, and public service activities.
- have a reasonable period of time to review and respond to proposed policy changes impacting the professional and academic duties of faculty.
- have easy access to a complete and current set of policies and procedures, including a current version of the Faculty Handbook and Policies and Procedures Manual.
- receive consistent and impartial implementation of institutional policies and procedures at all levels.
- receive protection as a whistleblower, as outlined in the Code of Conduct and Ethics.¹⁶
- receive due process, if provided in Chapters 5 and 6

2.2.4 RIGHTS OF THE FACULTY AS A WHOLE¹⁷

Faculty members have a right, through their representatives on committees or on Faculty Senate, to:

- participate in shared governance at the university, college, and school/ departmental levels as described in the Faculty Handbook (Section 1.4).
- propose new academic programs and curricula, as necessary.
- initiate, review, revise, and approve changes to academic programs and curricula, as necessary.
- make recommendations in the hiring, tenure, and promotion of faculty members as defined by university, college, school, and departmental policies and procedures.
- participate in the process of searching for academic administrators, such as department heads, deans, and Provost/EVPAA, as well as administrators who can influence academics or faculty welfare, such as the Chief Financial Officer and President as described in the Faculty Handbook (Section 3.1.3).
- determine the operations of the Faculty Senate and other areas of faculty governance.
- influence institutional priorities, such as having input into the creation of the strategic plan and campus master plan.
- have a voice in making major decisions regarding academic affairs, such as the selection of the quality enhancement plan (and student affairs, where appropriate).
- be involved in the review, revision, and approval of institutional policies and procedures pertaining to academic affairs, student affairs (where appropriate), faculty welfare, financial exigency, and other areas that impact faculty. This includes a timely review of the final version of a document before or during the vetting and approval process.
- propose new institutional policies and procedures or call for their review via the Faculty Senate.
- be included in budget discussions through participation on the Budget Committee.
- receive information in a timely manner before being asked to provide feedback or take action on that issue.

¹⁶ [Policy I:05:04 Code of Conduct and Ethics](#)

¹⁷ Revised 12/2025

2.2.5 RIGHT TO NON-RETALIATION FOR PARTICIPATION IN SHARED GOVERNANCE¹⁸

Shared governance is predicated on faculty participation at all levels—department, college, university. While participating in these roles, faculty have the right to offer candid feedback on issues of concern, register opposition to proposed changes, speak out about ethical concerns, and vote (or abstain from voting) on issues in a manner consistent with their conscience without fear of retaliation, coercion, or administrative pressure. For purposes of this section, prohibited retaliation is adverse action by the University due to a faculty member's participation in governance matters including:

- adverse employment actions related to work assignments, salary, annual leave, or other leaves or benefits;
- termination/dismissal of employment or non-renewal of contract;
- unlawful discrimination or the instigation or perpetuation of a hostile work environment; and
- intimidation or threats of any of the above.

Actions taken based solely on conduct or performance, and not connected in any way to shared governance participation, are not grievable under this section and do not violate it.

2.2.6 INDIVIDUAL FACULTY RESPONSIBILITIES¹⁹

All faculty members have the responsibility to:

- fulfill their job requirements as outlined in faculty workload policy in the Faculty Handbook (Section 7.3) and their individual workload agreements.
- actively participate in the governance of the University, including serving on committees.
- be engaged in and provide feedback on major issues that impact the academic mission of the University.
- clearly articulate issues and concerns in a timely, accurate, informed, and consistent manner to their department heads, Faculty Senate, or other appropriate administrators.
- adhere to institutional policies and procedures, as outlined in the Policies and Procedures Manual,²⁰ including the Code of Conduct and Ethics.²¹
- follow academic policies and procedures as outlined in the Faculty Handbook and the JSU Catalogs.
- comply with directives from their immediate supervisors and other University administrators.
- meet appropriate deadlines established by the department head, dean, Registrar, Provost/EVPAA, campus bookstore, and other University administrators.
- follow appropriate protocols and due process procedures.
- have the highest standards for ethical conduct regarding research, scholarly, and creative endeavors.

¹⁸ Revised 01/2026

¹⁹ Revised 12/2025

²⁰ [JSU Policies and Procedures Manual](#)

²¹ [Policy I:05:04 Code of Conduct and Ethics](#)

- dress and present themselves in a manner appropriate to their position.
- know and observe the laws concerning copyrighted material.

2.2.7 EXPECTATION OF CIVILITY²²

There is also the expectation of civility in behavior and discourse within the University setting.

- All faculty members have the right to be treated with respect and have others behave in a professional manner toward them.
- All faculty members are expected to behave in a civil manner, in word and deed, toward other individuals.
- All faculty members will have the opportunity to have their concerns heard by the appropriate administrative official.
- All faculty members have the right to lodge a formal grievance against another individual at the University in accordance with the Faculty Handbook (Section 6.4).
- Lack of civility to the level of bullying or harassment may lead to a grievance being filed and/or a department head or other administrator initiating disciplinary actions.

2.2.8 ETHICAL TREATMENT OF EXPERIMENTAL SUBJECTS²³

All research involving human subjects conducted at the University or under the aegis of the University must be approved in advance by the Institutional Review Board.²⁴ Consult the Policies and Procedures Manual (Policy II:08:01)²⁵ for additional details about research using human subjects.

All research involving animal subjects conducted at the University or under the aegis of the University must be approved in advance by the Animal Care and Use Committee.²⁶ Consult the Policies and Procedures Manual (Policy II:08:02)²⁷ for additional details on research, teaching, or testing using animal subjects.

2.2.9 SEXUAL HARASSMENT POLICY²⁸

It is the established policy of Jacksonville State University to provide a work and study environment for faculty, staff and students that is free from all forms of sexual harassment, sexual intimidation, and exploitation. Jacksonville State University condemns such behavior and will review all claims of sexual harassment. See the JSU Sexual Harassment policy for procedures for initiating a complaint of sexual harassment.²⁹

²² Revised 04/2025

²³ Revised 06/2023; 05/2025

²⁴ [Institutional Review Board - Academic Affairs \(jsu.edu\)](#)

²⁵ [Policy II:08:01 Research Using Human Subjects](#)

²⁶ [Institutional Animal Care & Use Committee \(IACUC\) - Academic Affairs \(jsu.edu\)](#)

²⁷ [Policy II:08:02 Research, Teaching, or Testing Using Animal Subjects](#)

²⁸ Revised 06/2023; 05/2025

²⁹ [Policy I:02:05 Sexual Harassment](#)

2.2.10 USE OF COPYRIGHTED MATERIAL³⁰

PURPOSE

This section establishes expectations for the lawful use, creation, reproduction, distribution, display, and performance of copyrighted materials in University-related activities. It supports teaching, research, scholarship, service, and administrative functions while ensuring compliance with U.S. copyright law and applicable University policies.

Copyright protects original works of authorship fixed in a tangible medium, including text, images, music, software, audiovisual materials, and digital content. Copyright generally belongs to the creator unless transferred or governed by work-for-hire doctrine or institutional policy. Ownership of faculty- or student-created materials is governed by JSU Policy II:05:03 – Intellectual Property and Fair Use Policy;³¹ nothing in this policy modifies or supersedes those provisions.

Scope

This policy applies to all faculty, staff, students, and individuals acting on behalf of Jacksonville State University (JSU), including use in face-to-face instruction, online and hybrid instruction, research and scholarly activity, administrative functions, University publications, University-sponsored events, and digital platforms operated by or for the University.

DEFINITIONS

Public domain refers to works that are not protected by copyright and may be used, reproduced, distributed, or adapted without permission or payment. Works may enter the public domain because copyright has expired, the creator dedicated the work to the public, or the work was never eligible for copyright protection.

Fair use (17 U.S.C. §107)³² permits limited use of copyrighted material without permission for purposes such as teaching, research, scholarship, criticism, commentary, and news reporting. Fair use must be evaluated on a case-by-case basis using four statutory factors: purpose and character of the use; nature of the copyrighted work; amount and substantiality used; and effect on the potential market. No specific percentage or quantity guarantees fair use, and educational use alone does not automatically qualify.

Transformative educational use refers to the use of copyrighted material for teaching, scholarship, or academic analysis in a manner that adds new meaning, context, or purpose rather than merely reproducing the original work. Such use typically involves criticism, commentary, illustration of concepts, or incorporation into instructional materials and is more likely to qualify as fair use when it does not substitute for the original work or undermine its market value.

³⁰ Revised 06/2023; 03/2026

³¹ [Policy II:05:03 – Intellectual Property and Fair Use Policy](#)

³² [U.S. Copyright Office Circular on Fair Use](#)

POLICY**Legal Framework**

University community members must comply with U.S. Copyright Law (Title 17)³³, applicable licensing agreements, and relevant University policies. Copyright arises automatically upon creation and grants exclusive rights to reproduce, distribute, perform, display, and create derivative works.

Use of copyrighted materials must be based on a lawful exception, a valid license, permission from the copyright owner, or use of public-domain or openly licensed materials.

A lawfully acquired copy refers to a copy of a work obtained through legal means, such as purchase, license, subscription, permission, or other authorized distribution. Copies obtained through unauthorized downloading, file sharing, or other infringing activities are not lawfully acquired.

Face-to-Face Instruction

Federal law permits performance or display of copyrighted works during face-to-face teaching activities at nonprofit educational institutions when the use is part of mediated instructional activities and occurs in a classroom or similar instructional setting.

Applicability of the TEACH Act to Digital Instruction

The TEACH Act (17 U.S.C. §110(2)³⁴) applies to the digital performance or display of copyrighted works transmitted to students as part of mediated instructional activities. This includes live online classes, recorded lectures, and other instructional presentations in which copyrighted audio, video, images, or similar works are shown, played, or otherwise transmitted electronically to students.

The TEACH Act applies regardless of whether a course is designated as online, hybrid, or face-to-face when such transmissions occur outside the physical classroom.

In traditional face-to-face classroom settings where performances or displays occur in person, the classroom teaching exemption (17 U.S.C. §110(1)) generally applies.

Posting static materials to a learning management system — such as readings, articles, book excerpts, images, or other documents provided for students to download or view independently — typically involves reproduction and distribution rather than performance or display. These uses should ordinarily be evaluated under fair use, applicable license agreements, permission from the copyright owner, or use of public-domain or openly licensed materials.

³³ [Copyright Law \(Title 17\)](#)

³⁴ [17 U.S. Code § 110 - Limitations on exclusive rights: Exemption of certain performances and displays](#)

Licensed Materials and Streaming Media

Many electronic journals, databases, streaming services, e-books, and other digital resources are governed by license agreements negotiated by the University. These agreements define permitted uses and may restrict copying, distribution, classroom display, or posting to learning management systems. License terms control permitted use even when fair use might otherwise apply.

Personal subscription services typically prohibit classroom use absent applicable public-performance rights or statutory exceptions. Lawful in-person performance of audiovisual works in a classroom setting may be permitted under federal law when statutory conditions are met.

Openly Licensed and Public-Domain Materials

Materials in the public domain or distributed under open licenses may be used without obtaining additional permission, provided that the terms of the license are followed. Creative Commons licenses³⁵ permit reuse of copyrighted works subject to specified license conditions, such as attribution, noncommercial use, or restrictions on modification.

Digital Millennium Copyright Act (DMCA)

Jacksonville State University complies with the Digital Millennium Copyright Act (DMCA)³⁶ and applicable federal regulations governing online copyright infringement. Individuals or entities who believe that material hosted on University systems infringes their copyright may submit a written notice to the Office of University Counsel or other designated University official.

Upon receipt of a valid complaint, the University will review the allegation and may remove or disable access to the material while the matter is evaluated. Members of the University community will be notified when practicable if content they posted is removed in response to a copyright complaint.

The University may take appropriate action in response to repeated or egregious violations, consistent with applicable University policies and procedures.

Hosting vs. Linking

Uploading or hosting copyrighted materials on University systems (e.g., Canvas, departmental servers, or files distributed directly to students) requires a fair use determination, license authorization, or documented permission. Linking to lawfully hosted external resources is generally preferred and typically permissible when the external host has legal rights to publish the material and access restrictions are not circumvented. Posting copyrighted materials on publicly accessible websites generally requires permission unless authorized by law, license, or fair use.

³⁵ [Creative Commons License Type](#)

³⁶ [Digital Millennium Copyright Act](#)

Accessible Formats for Individuals with Disabilities

Jacksonville State University is committed to providing equal access to instructional materials for individuals with disabilities in accordance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act,³⁷ and other applicable laws.

Federal copyright law permits the creation of accessible versions of copyrighted works when necessary to provide access to individuals with disabilities. Such adaptations may include conversion to alternative formats such as large print, audio, captioned media, screen-reader-compatible documents, or other accessible formats.

Accessible versions should be limited to the amount necessary to provide effective access and distributed only to individuals for whom the accommodation is provided. When feasible, accessible materials should be obtained through lawful sources or produced in coordination with the Office of Disability Resources.

Responsibilities of Users

Individuals using copyrighted materials must determine whether the proposed use is lawful, seek permission when required, use only lawfully acquired copies, provide attribution when feasible, limit distribution to authorized audiences, and remove materials when no longer needed for the instructional or operational purpose.

Prohibited Uses

Absent permission or legal authorization, systematic copying that substitutes for purchase of required materials, distribution beyond authorized participants, uploading complete works to public websites, circumvention of technological protection measures, or use of pirated materials is generally not permitted.

Relationship with Other Policies

This section should be read in conjunction with JSU Policy II:05:03 – Intellectual Property and Fair Use Policy³⁸ and other applicable University policies, including information technology policies, academic integrity policies, records management policies, and accessibility policies.

Compliance and Enforcement

Failure to comply with copyright law may result in personal legal liability and institutional consequences under University policies. The University will address substantiated violations in accordance with federal law and University procedures, such as found in the Faculty Handbook (Section 6.2).

Faculty and staff acting in good faith in accordance with this policy are expected to receive institutional support in responding to copyright concerns.

³⁷ [Americans with Disabilities Act, Section 504 of the Rehabilitation Act](#)

³⁸ [Policy II:05:03 – Intellectual Property and Fair Use Policy](#)

GUIDANCE**Permissions Workflow for Third-Party Materials**

When the use of copyrighted material is not clearly permitted by law or license, faculty and staff should follow a reasonable process to determine whether permission is required.

Step 1 — Check University-Licensed Resources

Determine whether the material is available through University Library databases, streaming services, or other licensed platforms. Licensed access often includes rights for instructional use.

Step 2 — Consider Open or Public-Domain Alternatives

Identify whether an openly licensed or public-domain version of the material is available. Open Educational Resources (OER) and Creative Commons–licensed works may be used in accordance with license terms.

Step 3 — Evaluate Fair Use or Other Legal Exceptions

Assess whether the intended use may qualify as fair use or another statutory exception, such as the classroom teaching exemption or accessibility provisions.

Step 4 — Use Linking Rather Than Hosting When Feasible

If the material is lawfully available online, linking to the content rather than uploading a copy may reduce legal risk and licensing concerns.

Step 5 — Request Permission if Needed

If the use exceeds what is permitted by law or license, seek permission from the copyright owner or authorized rights holder. This may include publishers, distributors, or licensing agencies.

Step 6 — Document Permissions and Terms

Retain copies of permission agreements or licenses and comply with any conditions, including attribution, time limits, or access restrictions.

Step 7 — Seek Assistance When Uncertain

Faculty and staff may consult the University Library, Office of University Counsel, or other designated offices for guidance.

Transformative Educational Use and Other Instructional Applications

Uses that add new meaning, interpretation, context, or analytical purpose are more likely to qualify as transformative fair use than uses that merely reproduce copyrighted works for consumption. Transformative educational uses typically involve criticism, commentary, comparison, illustration of concepts, or scholarly analysis.

Not all lawful instructional uses are transformative. Educational uses may also be permitted under other legal bases, including statutory classroom exemptions, licenses, permission from the copyright owner, use of public-domain materials, or open licenses.

The examples below illustrate both transformative uses and other common lawful instructional applications. They are provided for guidance only and do not replace case-by-case legal analysis.

Transformative Educational Uses (More Likely Fair Use)**Film and Audiovisual Materials**

- Showing short clips from films to discuss cinematography, editing, narrative structure, or representation.
- Using excerpts as evidence in critical discussion rather than as entertainment or substitution for viewing the full work.

Music and Audio Works

- Playing portions of a musical composition to demonstrate harmonic structure, instrumentation, performance practice, or stylistic features.

Textual and Primary Sources

- Embedding excerpts of copyrighted works in lecture slides accompanied by analysis or explanatory commentary.
- Displaying passages from primary sources to evaluate bias, rhetoric, reliability, or historical context.
- Using excerpts as prompts for discussion, debate, or research activities.

Images and Visual Materials

- Using images in presentations for criticism, commentary, or instruction.
- Displaying high-resolution images when detailed examination is necessary for scholarly or instructional analysis (e.g., art history, archaeology, geography)

Conceptual, Analytical, and Comparative Use

- Using excerpts of copyrighted materials to illustrate scientific concepts, engineering principles, or social phenomena.
- Comparing multiple images or works to discuss stylistic developments, cultural influences, or methodological differences.

Scholarly Communication

- Including limited quotations, images, or excerpts in conference presentations or publications for purposes of analysis, criticism, or scholarly argument.

Other Lawful Instructional Uses (Not Necessarily Transformative)**Classroom and Course Activities**

- Assigning students to critique, analyze, or respond to copyrighted works.
- Displaying materials in face-to-face instruction under the classroom exemption.

Student Work and Copyright Considerations

- Redistributing student work beyond the instructional context typically requires the student's permission unless otherwise permitted by institutional policy or law. Ownership of student-created work is governed by Policy II:05:03 – Intellectual Property and Fair Use Policy.³⁹

³⁹ [Policy II:05:03 – Intellectual Property and Fair Use Policy](#)

Distribution to Participants

- Distributing full copyrighted works to conference participants typically requires permission or licensing.

Course Packs and Compiled Readings

- Engaging in systematic copying that substitutes for purchasing required materials generally requires permission or licensing.

Decorative or Substitutive Image Use

- Using images decoratively or distributing images in a manner that substitutes for licensed image collections may require permission.

Open Educational Resources (OER)

- Using, modifying, and sharing materials distributed under open licenses in accordance with the applicable license terms.

Posting Online Course Materials

Materials posted in a learning management system (e.g., Canvas) should be limited to enrolled students or other individuals with legitimate instructional access. Materials should normally be available only during the course term. Whenever possible, instructors should provide links or streamed content rather than uploading full copies.

Course Reserves at the University Library

Faculty may place instructional materials on electronic or physical reserve through the University Library in accordance with copyright law, applicable license terms, and JSU Library reserve procedures as described in Chapter 10 of the Faculty Handbook.

Materials placed on reserve should meet the following conditions:

- Only the minimum amount necessary to support instructional purposes should be provided.
- Access is typically limited to students enrolled in the course and for a defined period.
- When feasible, faculty should provide citations or direct links to licensed or lawfully hosted materials rather than uploading copies.
- Reserve materials should be removed at the end of the course term unless continued access is legally justified and consistent with library procedures.

Accessibility and Instructional Materials

Faculty members who receive requests for accessible materials should work with the Office of Disability Resources to ensure timely and appropriate accommodations. Accessibility adaptations may include providing captioned media, alternative text for images, accessible electronic documents, or other modifications necessary for effective participation. In many cases, the University may lawfully create an accessible version even when commercial versions are not available.

University Support and Consultation

Questions regarding copyright compliance should ordinarily be directed to the University Library, which serves as the primary source of guidance on fair use, licensing, permissions, and the lawful use of instructional materials. Additional guidance may be obtained from other designated University offices, including the Office of General Counsel, Academic Affairs, and Information Technology.

Faculty seeking additional guidance may consult resources such as the Harvard University Fair Use Guide⁴⁰ or Stanford Copyright and Fair Use Center,⁴¹ along with the American Library Association's Classroom Copying Guidelines for Educators.⁴²

2.2.11 INTELLECTUAL PROPERTY RIGHTS⁴³

Consistent with the University's objectives of supporting faculty research and maintaining a reputable academic standing, faculty members are encouraged to engage in scholarly activities that may result in the creation of patents and copyrights. Faculty members shall retain ownership of copyrights and patent rights from individual creative works, if no substantial aid from the University or from an outside agency operating through official University channels is received.

Rights pertaining to materials that result from university-assisted efforts, externally sponsored efforts, and university-assigned efforts shall be determined in accordance with the terms of the Policies and Procedures Manual (Policy II:05:03).⁴⁴

2.3 CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT

2.3.2 CONFLICT OF INTEREST IN TEACHING⁴⁵

Although faculty members strive to exercise objectivity and avoid biased or preferential treatment of any student, when the student is a relative/dependent, other students are likely to perceive favoritism at their expense. Because the faculty member's credibility among students may suffer, students should be discouraged from registering in a class taught by a relative or by someone to whom they are a dependent. If a student enrolls in a course taught by a relative/dependent, the department head must be informed of this enrollment, and mutually agreed upon steps for grade determination should be made. If the department head is the faculty member teaching the class, then they should inform their dean.

⁴⁰ [Harvard University Fair Use Guide](#)

⁴¹ [Stanford Copyright & Fair Use Center](#)

⁴² [Classroom Copying Guidelines for Educators — American Library Association](#)

⁴³ Revised 06/2023; 05/2025

⁴⁴ [Policy II:05:03 Intellectual Property](#)

⁴⁵ Revised 06/2023; 12/2025

2.3.2 CONSENSUAL RELATIONS POLICY⁴⁶

Faculty members, or students with teaching or teaching assistant responsibilities, are strictly prohibited from having a romantic or sexual relationship with a student enrolled in their course, or any student over whom they have a supervisory or evaluative role (e.g., thesis supervisor, comprehensive exam evaluator, research supervisor, practicum supervisor, etc.). Faculty members who violate this policy may be subject to dismissal or termination.

Personal relationships between faculty and students (other than romantic or sexual relationships which are strictly prohibited) occurring outside the instructional context may also lead to difficulties, so faculty should be careful to avoid any decisions that may reward or penalize the student involved and avoid possible conflicts of interest.

2.3.4 NEPOTISM/EMPLOYMENT CONFLICT OF INTEREST⁴⁷

It shall be considered a conflict of interest in employment for an employee to serve in a direct supervisory capacity over a relative.⁴⁸ This may include (but is not limited to) the following: spouse, sibling, descendant (child, grandchild, great-grandchild), ancestor (parent, grandparent), stepchild, in-law.

2.3.5 PRINCIPAL OCCUPATION⁴⁹

A faculty member is appointed with the expectation that they shall be principally occupied with the academic growth and development of Jacksonville State University's students. The faculty member is required to devote their full effort to teaching, scholarly activity, and service at Jacksonville State University, unless an exception has been granted to the faculty member by the University. Participation in individual learning/development projects (e.g., faculty development activities, research, grants, contracts, etc.) is encouraged. The University expects that all faculty members will avoid activities that create a conflict of interest with their duties and responsibilities as faculty members. The University also expects that faculty members will observe the highest moral and ethical standards in any dealings in which they represent the University.⁵⁰

⁴⁶ Revised 06/2023; 12/2025

⁴⁷ Revised 06/2023; 07/2024

⁴⁸ [Policy I:02:23 Nepotism](#)

⁴⁹ Revised 06/2023; 05/2025

⁵⁰ [Policy I:05:04 Code of Conduct and Ethics](#)