



THE UNIVERSITY OF
NEW SOUTH WALES

UNSW Websites: Acceptable Content Standard

UNSW IT SERVICES

This document is attached to, and
should be read in conjunction with:

The UNSW Website Policy

This document was last amended on February 10 2005
to add content to the Copyright and Privacy sections.

UNSW Websites: Acceptable Content Standard

This standard is a companion document to the UNSW Website Policy. It was developed by Jenny Beatson, IT Policy and Compliance Officer, UNSW IT Services and a working party consisting of the following members:

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- Eryle Brady, Equity and Diversity Unit
- Lyndell Carter, Legal Office
- Susan Lafferty, University Library
- Kerrie Talmacs, University Library
- Mark Fisher, ITS

It was then reviewed by the Website Policy Working group, the ICT Infrastructure Committee, the Academic Services Committee, the Policy Advisory Committee. The Standard was endorsed by the Academic Board at its meeting of 5 October, 2004.

For information and assistance contact:

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There are no previous versions of this standard.

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1 Introduction

Increasing use is being made of the Internet for online education and to disseminate information about the University, its services and other activities. It is therefore important that all UNSW website content reflects the values of the University by complying with relevant UNSW policy and external legislation.

This Standard applies to website content providers on all UNSW-hosted websites.

It is expected that all providers of internet content on UNSW-hosted sites will do so in a legal, ethical and responsible manner and in accordance with this Standard. Sites may be monitored from time to time to ensure compliance.

While the University upholds the principles of academic freedom, it will not condone deliberate breach of its policies (and external legislative requirements) and will cooperate fully with the authorities in any investigations resulting from a breach. This may include the removal of a page or site, and in the case of serious and deliberate breach may result in civil or criminal proceedings.

Content providers must assume full responsibility for website material that can be accessed without restriction (eg password) by other Internet users.

Care should be taken when placing links on UNSW sites to ensure they do not lead directly to sites which breach these guidelines or any other UNSW policy or relevant legislation.

Content providers should be particularly mindful of the following legislation:

- Privacy Act 1988 (Commonwealth)

- Privacy and Personal Information Protection Act 1998 (NSW)

- Copyright Act 1968 (and subsequent amendments)

- Internet Content Codes of Practice (Australian Broadcasting Authority)

- Commonwealth and State Anti-Discrimination Legislation (full list in Section 3 of this document)

- Education Services for Overseas Students Act, 2000 (ESOS)

A list of UNSW policies and other legislation which impacts UNSW website content is included in Section 3 of this document.

When writing material, content providers should give particular attention to whether their material is intended to be publicly available, or will have restricted access in some way (eg for a specific student class, with material only accessible by password).

If a website contains a feedback or discussion mechanism (eg guest book, discussion forum, chat room), this should be regularly moderated or monitored by the content provider to ensure material breaching this Standard is not placed on the website.

2 *Acceptable Content*

2.1 *Copyright*

Copyright

The rules for copying material protected by copyright are strict, even under the “fair dealing” provisions**. Staff must ensure that all copying and communication is done in accordance with the Copyright Act 1968 and statutory licenses (Part VA and Part VB). Failure to comply could lead to legal action for copyright infringement. Note that copying limits and the use of notices apply.

**“Fair dealing” , the term used in Australian legislation, provides a much more limited exception to the enforceability of copyright holders’ than the US exception known as “fair use” .

When material subject to copyright is to be made available online, the Library's MyCourse Services must be used so that material is communicated from the Library's server. As the Copyright Amendment (Digital Agenda) Act 2000 imposes limits that apply across the University as a whole, it is necessary to keep a central record of what is made available online.

In some circumstances, e.g. when the copyright owner has given permission, material may be able to be placed online without using MyCourse Services.

The University provides students and staff with access to computer systems and facilities for *academic and administrative purposes*. Individuals who are found to be using the University's systems to engage in conduct which infringes copyright - including uploading and downloading material without the permission of the owner of copyright - are exposing themselves and the University to legal action, and will be subject to disciplinary action. Common examples of illegally transferred copyright material include music, video and movie files.

Moral Rights

The Moral Rights Act 2000, provides for three rights which belong to the author rather than the owner of a work: the right of attribution; the right against false attribution and the right not to have a work subjected to derogatory treatment. When making copies, standard academic practices should be followed so that the name of the author and the title of the works appear on the copies. Alterations to material should not be in conflict with the author's intentions.

Enquiries about use of copyright material online may be made to:

University's Copyright Officer, tel. x 52860, email copyright@unsw.edu.au,
<http://www.copyright.unsw.edu.au/>

Library Digitisation Service, tel. x 52622, email k.talmacs@unsw.edu.au,
<http://info.library.unsw.edu.au/osd/using/reservecheck.html>

2.2 Harassment and Vilification

Content providers must ensure that no material is placed on their site which:

- Could reasonably be taken to be harassment of, or discrimination against, any individual or group, on the basis of age, carer's responsibilities, disability, homosexuality, marital status, political affiliation, pregnancy, race, religious affiliation, sex or transgender;
- Vilifies people, particularly, but not only, on the basis of HIV/Aids, homosexuality, transgender or race;
- Is clearly intended as offensive or derogatory towards any individual or group;

2.3 Unlawful, Pornographic or Offensive Material

While it is accepted that ***potentially*** unlawful or offensive material may legitimately need to be used in the context of formal teaching and research practice, it must be remembered that many UNSW websites are freely available to anyone, including children. Internet content is governed by the Broadcasting Services Act 1992, and administered by the Australian Broadcasting Authority. Content providers must make every effort to ensure that material does not breach this advice received from the Office of Film and Literature Classification:

- Material that has been classified ***RC*** (refused classification) or ***X***, (or is likely to be if classified), is ***prohibited Internet Content***.
- Material that has been classified ***R***, ***unless subject to a restricted access system***, is also ***prohibited Internet Content***.

The National Classification Code is included as an appendix to this Standard and should be used to assess proposed content before placing on a website. For classification purposes, material published on the Internet is by OFLC definition either a film or a computer game. Further advice on classification of material can be sought from the Office of Film and Literature Classification, email: oflcswitch@oflc.gov.au

If material is likely to offend sections of the community, it should be preceded by a warning message (as to the nature of the material), and/or have restricted access (eg password). A similar warning message should be applied to the placement of links to external sites which may contain potentially offensive material.

Material is not permitted which contains instructions in the use or manufacture of weapons or explosives, or instructions in the techniques of crime or terrorism; or contains instructions in the use or manufacture of drugs.

Where applicable, the University reserves the right to determine whether or not material breaches this policy by considering it in the context of 'legitimate use' where material deemed in breach is being utilized in the context of formal teaching and research practice.

2.4 Sensitive Information

Service and other units should be cautious about making publicly available material which may jeopardise the safety and well-being of the University, such as:

- Location/quantities of dangerous goods or hazardous material stores;
- Location and operation of critical infrastructure and plant;
- Details of major emergency or evacuation plans;
- Confidential meeting agendas, notes and minutes

Consideration should be given to restricting access to this type of material to within the University only; or providing password-protected access to authorised personnel.

2.5 Privacy

Content providers must not place material which constitutes an improper intrusion into people's privacy, or is an improper disclosure of personal information. Privacy is relevant when dealing with information that can be related to an individual – in terms of websites, this could be relevant to the collection or use of: cookies, email addresses, IP addresses or site-visit tracking programs.

Mailing groups, special interest groups etc. which can be joined or accessed from websites should always include an opt-out provision to comply with the Spam Act (2003).

2.6 Commercial Activities and Advertising

The use of UNSW websites (organisational or personal) to advertise, establish or conduct private business activities is strictly forbidden.

The University has a formal process to evaluate, approve and register authorised UNSW commercial activities, details of which are available from the Legal Office.

Only fully-authorised and registered UNSW commercial activities are permitted to use UNSW websites for the purpose of advertising, establishing or conducting their business activities.

While it is permissible to acknowledge sponsorship in the manner set out in the UNSW Website Policy document, further advertising or promotion of external commercial bodies is not permitted.

2.7 Complaints

Content providers must supply appropriate and accurate contact information on their websites. Content providers must acknowledge and respond to complaints about website content in a prompt and courteous manner, in accordance with relevant University policies. Advice may be sought from appropriate University officers or the DIS Policy and Compliance Officer. If a matter cannot be resolved to the satisfaction of the complainant, it should be referred to the Head of Department or unit; or the appropriate University Officer, who may order removal or modification of the material.

A process will be developed for responding to "Take-Down" notices, which will include an appeal mechanism for site owners

Content providers should be aware that complaints may also be made directly to an external organisation such as the Australian Broadcasting Authority, or a copyright agency (eg a "Take Down" notice alleging copyright violation).

3 Related UNSW Policy and External Legislation

Website content providers are expected to be aware of, and to comply with, the following policies and legislation:

UNSW Policy:

- ***Rules Relating to the Use of Computing and Electronic Communication Facilities at the University of New South Wales,***
<http://www.infonet.unsw.edu.au/poldoc/rulcomp.htm>
- ***UNSW Code of Conduct,***
<http://www.hr.unsw.edu.au/poldoc/codecond.htm>
- ***UNSW Intellectual Property Policy,***
<http://www.infonet.unsw.edu.au/poldoc/ippol.htm>
- ***Student Misconduct Rules,***
<http://www.infonet.unsw.edu.au/poldoc/stumis.htm>
- ***Responsible Copyright Practices at UNSW***
<http://www.copyright.unsw.edu.au/>
- ***UNSW Privacy Management Plan,***
<http://www.privacy.unsw.edu.au/pmp.htm>
- ***UNSW Equity and Diversity Policy Statement***
<http://www.infonet.unsw.edu.au/poldoc/equity.htm>
- ***Staff Discrimination and Harassment Grievance Policy and Procedures***
<http://www.infonet.unsw.edu.au/poldoc/staffgrv.htm>
- ***Student Discrimination and Harassment Grievance Policy and Procedures***
<http://www.infonet.unsw.edu.au/poldoc/studegrv.htm>
- ***UNSW Guidelines for Commercial Activities***
http://www.infonet.unsw.edu.au/poldoc/UNSWguidelines_commercial_activities.htm
- ***UNSW Electronic Record-Keeping Policy***
http://www.infonet.unsw.edu.au/ras/policy/electronic_recordkeeping.htm
- ***UNSW Record-Keeping Policy***
<http://www.infonet.unsw.edu.au/ras/policy/recordkeeping.htm>

Government Legislation:

- **Privacy and Personal Information Protection Act 1998 (NSW),**
http://www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464/index.html
- **Privacy Act 1988 (Commonwealth),**
<http://scaleplus.law.gov.au/html/pasteact/0/157/top.htm>
- **Copyright Act 1968**
<http://scaleplus.law.gov.au/html/pasteact/0/244/top.htm>
- **Internet Content Codes of Practice – Australian Broadcasting Authority**
<http://www.aba.gov.au/internet/industry/codes/content/printer.htm>
- **Commonwealth Racial Discrimination Act, 1975**
http://www.hreoc.gov.au/racial_discrimination/index.html
- **NSW Anti-Discrimination Act, 1977 (and related legislation)**
<http://www.lawlink.nsw.gov.au/adb.nsf/pages/lawsindex>
- **Commonwealth Human Rights and Equal Opportunity Commission Act 1986**
http://www.hreoc.gov.au/human_rights/index.html
- **Commonwealth Sex Discrimination Act 1984**
http://www.hreoc.gov.au/sex_discrimination/index.html
- **University of New South Wales Act 1989**
<http://www.infonet.unsw.edu.au/act.htm>
- **ACT Human Rights Act 1991 (applies at University College, Australian Defence Force Academy)**
<http://www.hro.act.gov.au/hr1.htm>
- **Commonwealth Disability Discrimination Act 1992**
http://www.hreoc.gov.au/disability_rights/index.html
- **Education Services for Overseas Students Act, 2000 (ESOS)**
<http://www.dest.gov.au/esos/default.htm>
- **Commonwealth Spam Act, 2003**
<http://www.austlii.edu.au/au/legis/cth/consol%5fact/sa200366/>
- **Broadcasting Services Act 1992**
<http://www.aba.gov.au/legislation/bsa/index.htm>

4 Appendix: National Classification Code

SCHEDULE

NATIONAL CLASSIFICATION CODE

Classification decisions are to give effect, as far as possible, to the following principles:

- (a) adults should be able to read, hear and see what they want;
- (b) minors should be protected from material likely to harm or disturb them;
- (c) everyone should be protected from exposure to unsolicited material that they find offensive;
- (d) the need to take account of community concerns about:
 - (i) depictions that condone or incite violence, particularly sexual violence; and
 - (ii) the portrayal of a person in a demeaning manner.

PUBLICATIONS

Publications are to be classified in accordance with the following Table:

<i>Description of publication</i>	<i>Classification</i>
<p>1. Publications that:</p> <p>(a) describe, depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or</p> <p>(b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or who looks like, a child under 16 (whether the person is engaged in sexual activity or not); or</p> <p>(c) promote, incite or instruct in matters of crime or violence.</p>	<p>Refused Classification</p>
<p>2. Publications (except RC publications) that:</p> <p>(a) explicitly depict sexual or sexually related activity between consenting adults in a way that is likely to cause offence to a reasonable adult; or</p> <p>(b) depict, describe or express revolting or abhorrent phenomena in a way that is likely to cause offence to a reasonable adult and are unsuitable for a minor to see or read.</p>	<p>Category 2 restricted</p>

<p>3. Publications (except RC publications and Category 2 restricted publications) that:</p> <p>(a) explicitly depict nudity, or describe or impliedly depict sexual or sexually related activity between consenting adults, in a way that is likely to cause offence to a reasonable adult; or</p> <p>(b) describe or express in detail violence or sexual activity between consenting adults in a way that is likely to cause offence to a reasonable adult; or</p> <p>(c) are unsuitable for a minor to see or read.</p>	<p>Category 1 restricted</p>
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4. All other publications.

Unrestricted

FILMS

Films are to be classified in accordance with the following Table:

<i>Description of film</i>	<i>Classification</i>
<p>1. Films that:</p> <p>(a) depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or</p> <p>(b) depict in a way that is likely to cause offence to a reasonable adult, a person who is, or who looks like, a child under 16 (whether the person is engaged in sexual activity or not); or</p> <p>(c) promote, incite or instruct in matters of crime or violence.</p>	<i>Refused Classification</i>
<p>2. Films (except RC films) that:</p> <p>(a) contain real depictions of actual sexual activity between consenting adults in which there is no violence, sexual violence, sexualised violence, coercion, sexually assaultive language, or fetishes or depictions which purposefully demean anyone involved in that activity for the enjoyment of viewers, in a way that is likely to cause offence to a reasonable adult; and</p> <p>(b) are unsuitable for a minor to see.</p>	<i>X</i>
<p>3. Films (except RC films and X films) that are unsuitable for a minor to see.</p>	<i>R</i>
<p>4. Films (except RC films, X films and R films) that depict, express or otherwise deal with sex, violence or coarse language in such a manner as to be unsuitable for viewing by persons under 15.</p>	<i>MA</i>

<i>5. Films (except RC films, X films, R films, MA films) that cannot be recommended for viewing by persons who are under 15.</i>	<i>M</i>
<i>6. Films (except RC films, R films, X films, MA films and M films) that cannot be recommended for viewing by persons who are under 15 without the guidance of their parents or guardians.</i>	<i>PG</i>
<i>7. All other films.</i>	<i>G</i>

COMPUTER GAMES

Computer games are to be classified in accordance with the following Table:

<i>Description of computer game</i>	<i>Classification</i>
<p>1. Computer games that:</p> <p>(a) depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified; or</p> <p>(b) depict in a way that is likely to cause offence to a reasonable adult, a person who is, or who looks like, a child under 16 (whether the person is engaged in sexual activity or not); or</p> <p>(c) promote, incite or instruct in matters of crime or violence; or</p> <p>(d) are unsuitable for a minor to see or play.</p>	<i>Refused Classification</i>
<p>2. Computer games (except RC computer games) that depict, express or otherwise deal with sex, violence or coarse language in such a manner as to be unsuitable for viewing or playing by persons under 15.</p>	<i>MA (15+)</i>
<p>3. Computer games (except RC and MA (15+) computer games) that cannot be recommended for viewing or playing by persons who are under 15.</p>	<i>M (15+)</i>
<p>4. Computer games (except RC, MA (15+) and M (15+) computer games) that cannot be recommended for viewing or playing by persons who are under 8.</p>	<i>G (8+)</i>
<p>5. All other computer games.</p>	<i>G</i>

Source of Information: Office of Film and Literature Classification, April 2004

<http://www.oflc.gov.au/content.html?n=131&p=79>