

Branding, Marketing, Advertising and Promotion Compliance Procedures

Section 1 - Purpose

(1) Organisations that fail to implement and monitor the activities associated with marketing and advertising activities can face several business and compliance risks, including:

- a. compliance exposure related to violations of various consumer codes, trade practices acts, higher education regulations or advertising laws in Australia or overseas;
- b. financial losses associated with fines, penalties or damages imposed because of breach;
- c. loss of reputation in business, with consumer communities, partners and agents and with regulators caused by non-compliance.

(2) This Procedure is designed to ensure that Charles Sturt University (the University) identifies and reduces the risk of breaching compliance obligations, remedies any breach that may occur and protects and advances the University's reputation as a good corporate citizen.

(3) A particular challenge for the University is that a potential cause of action for breach of a compliance obligation can arise in any country where advertising, promotional and marketing materials are read or viewed. With the expansion of Charles Sturt University into numerous overseas markets and the use of the internet for promotional purposes, Charles Sturt University's compliance program needs to ensure a minimum standard of compliance with standards in each country where a person may reasonably view and rely upon a claim or assertion contained in Charles Sturt University materials.

Section 2 - Glossary

(4) Nil.

Section 3 - Policy

(5) Refer to the [Brand Governance Policy](#).

Section 4 - Procedures

Part A - Compliance Risk Assessment

(6) The Executive Director, Division of Marketing and Communication, will initiate an annual assessment of compliance risks associated with advertising, marketing and promotion in accordance with the [Risk Management Policy](#) and [Compliance Management Procedure](#).

(7) The risk assessment will involve:

- a. review of all legislative instruments in each country in which the University markets or advertises its product, services or offerings (including those identified in the [Legislative Guide](#));
- b. identification within each instrument of the specific obligations imposed on the University and the risk likelihood and risk consequence;
- c. documentation of processes for managing each of those obligations by identifying mandatory requirements for materials produced by the University;
- d. identification of staff responsible for monitoring and approving materials to ensure compliance with obligations at all times;
- e. identification of processes for identifying breaches and remediation of breaches (with particular regard to any provisions of relevant laws regarding mitigation); and
- f. dissemination of those requirements and responsibilities to staff.

Part B - Minimum Standards

(8) All Charles Sturt University advertising, marketing and promotional materials must be accurate, complete, comply with the University's Ethical Standards for Advertising, Promotion and Marketing as set out in the [Brand Governance Policy](#), and meet legal requirements in Australia.

(9) All Charles Sturt University advertising, marketing and promotional materials must at all times comply with legal requirements and codes of practice, including the [Competition and Consumer Act 2010](#), the relevant Consumer Code in the State or Territory in which the material/s may appear, the Australian Training Quality Framework and the [Education Services for Overseas Students Act 2000](#).

(10) Where advertising, marketing or promotions occur outside Australia, the material must also comply with the relevant legal requirements for consumer protection and advertising standards in that country. Advice must be sought from the Division of Marketing and Communication on all copy for placement outside Australia prior to publication. The Division may consult with the University Legal Services or external lawyers if required. The cost of obtaining legal advice on advertising copy is the responsibility of the relevant budget centre requesting the materials.

(11) All Charles Sturt University courses of study must be accredited by the Academic Senate before they can be advertised or promoted in any way. Any exceptions must be approved by the Deputy Vice-Chancellor (Academic) and include the disclaimer: 'subject to final approval by Academic Senate'.

(12) All Charles Sturt University courses (and their components) promoted to prospective international students intending to study onshore in Australia must be CRICOS registered prior to marketing or advertising. The University CRICOS Provider Codes must also be displayed on all material.

(13) All materials must include a reference to the country/ies or jurisdiction/s for which the material has been prepared so that prospective users of the materials from outside those countries or jurisdictions will be fully informed about the context for which the materials have been produced.

(14) All Charles Sturt University advertising intended for prospective students must list the appropriate prospective student enquiry telephone number and email address (unless otherwise negotiated with the Division of Marketing and Communication). Prospective student enquiry telephone numbers and email addresses are listed on the Charles Sturt University website.

(15) Dated materials must not be used after the date specified has passed.

Part C - Terms and Conditions for Third Party Use of Brand

(16) Where a third party is authorised to use the Charles Sturt University mark or brand, the third party must agree to

the following minimum requirements:

- a. that the third party acknowledges that Charles Sturt University marks have considerable goodwill and are of value to Charles Sturt University;
- b. that the third party must adhere to the Charles Sturt University [Brand Guidelines](#);
- c. that the third party must not manipulate Charles Sturt University marks in any manner except for the proportional scaling of marks as a whole element;
- d. that the mark is not granted any proprietary interest mark. The whole of the goodwill associated with it, whether now existing or arising in the future, is the sole and exclusive property of Charles Sturt University;
- e. that the third party must not use Charles Sturt University marks in a misleading or deceptive way and must indemnify Charles Sturt University with respect to any claims, actions or liabilities arising from usage inconsistent with the terms and conditions of use;
- f. that the third party must not purport to bind Charles Sturt University or make any representations on its behalf;
- g. that the third party must not use or apply for registration of any similar marks, names or elements containing Charles Sturt University marks;
- h. that the third party must comply with any instructions regarding scope of permitted use, duration of use and return of materials to Charles Sturt University provided by the Executive Director, Division of Marketing and Communication;
- i. that, prior to print production, the third party will forward the developed artwork to Charles Sturt University for approval at least two weeks prior to the production deadline to resolve any anomalies that may arise;
- j. in the event that any third party materials are produced without prior approval, and/or the production of sub-standard materials has taken place, Charles Sturt University may request the materials be withdrawn and all costs for doing so are to be borne by the third party; and
- k. that the third party acknowledges and agrees that Charles Sturt University reserves the right at any time to revoke the authority given if there is any breach or if the quality or nature of any services or other things in respect of which the mark is used is unsatisfactory to Charles Sturt University, and that the third party indemnifies Charles Sturt University against any loss, claim or action arising from doing so.

(17) The Director, Governance and Corporate Affairs, may approve a form of agreement for use of the Charles Sturt University brand or mark, which must be signed by a third party and may impose such additional requirements as deemed appropriate in consultation with the Executive Director, Division of Marketing and Communication.

Section 5 - Guidelines

(18) Refer to the Brand Guidelines.

Status and Details

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