

# WHERE ARE THE WOMEN? THE SWING FROM EEO TO DIVERSITY IN THE ACADEMY\*

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## Abstract

This paper considers the way in which neoliberalism has impacted on equal employment opportunity (EEO) within the academy. Instead of a focus on the common good, there has been a shift to promotion of the self within the market. Higher education has not been immune from the contemporary imperative to commodify and privatise. Corporatisation has resulted in top-down managerialism, perennial auditing and the production of academics as neoliberal subjects. Within this context, identity politics have either moved to the periphery or disappeared altogether.

Against the background of the ramifications of the socio-political shift and the transformation of the university, the paper considers the rise and fall of EEO and the emergence of new discourses, such as that of diversity, which better suit the market metanarrative. This has induced a shift away from staff to students, begging the question as to whether EEO is now passé.

**Keywords:** Equal Employment Opportunity (EEO), diversity, feminism, women and the academy.

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## Introduction

Equal employment opportunity (EEO) in Australia, if not exactly in its death throes, is in a parlous state after a very short time. I propose to present an overview of the life of EEO in higher education, which could be a valedictory address. As a product of social liberalism, EEO has been corroded by the contemporary preoccupation with the market and profit-making. Instead of the common good, the focus is now on promotion of the self within the market.

Like other areas of public life, higher education has not been immune from the contemporary imperative to commodify and privatise. The corporatisation of universities has made them more like businesses. This has resulted in changed forms of governance, including top-down managerialism, perennial auditing and the production of higher education workers as neoliberal subjects. Within the contemporary context, the identity politics of gender and race have either moved to the periphery or disappeared altogether, unless they can be shown to have use value in the market.

My title includes the phrase EEO (equal *employment* opportunity) rather than EO (equal opportunity). Although the terms are often used interchangeably, the omission of the word ‘employment’ signifies the notable shift that has occurred from staff to students as a result of the commodification of higher education. I would not want to suggest that concern for students is a bad thing, except that the change has been induced by economic rather than academic considerations. However, it is not just the erasure of the word ‘employment’ that is of concern, for even the phrase ‘equal opportunity’ sans employment tends to be treated as passé, having been largely displaced by the softer term of diversity.

I consider the rise and fall of EEO in the academy over the last three decades within a dynamic socio-cultural context. In addressing the trajectory of change, I identify three phases, although I do not wish to be rigid about the lines of demarcation between them:

1. EEO in a chilly climate;
2. The Dawkins reforms;
3. Diversity discourses.

### 1. EEO in a Chilly Climate: 1970s-1980s

The Whitlam Government’s embrace of a social liberal agenda in the early 1970s created an environment in which the modernisation of the old patriarchal order was believed to be feasible. The struggle for equal opportunity in higher education emanated almost exclusively from the women’s movement, as did the struggle for the enactment of anti-discrimination and equal opportunity measures within Australia generally.<sup>1</sup> While the *Racial Discrimination Act 1975* (Cth) was an initiative of the Whitlam

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<sup>1</sup> The role of UN conventions, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, also played an important role, as Australia then wished to have the approbation of the international community.

Government, its companion legislation, the Sex Discrimination Act, was not enacted until some years later.<sup>2</sup>

Like other public institutions, universities had long been the preserve of what I term 'Benchmark Men', who are invariably white, Anglo-Celtic, heterosexual, able-bodied and middle class. They represent the standard against which Others are measured and invariably found wanting. Prior to the 1980s, women rarely figured as academic subjects.<sup>3</sup> While the normativity of masculinity persists,<sup>4</sup> the overtly inequitable status of women and racialised others a mere twenty five years ago is striking. For example, at the Australian National University in 1983, 99 per cent of senior academics were male,<sup>5</sup> whereas 100 per cent of support staff was female.<sup>6</sup>

Women who were brave enough to embark upon an academic career at an Australian university had difficulty in securing a foot in the door,<sup>7</sup> let alone aspiring to tenure or promotion. Stereotypes abounded in determining career trajectories, such as the tendency to assign women disproportionate amounts of teaching involving known knowledge, while earmarking research and knowledge creation as masculinist endeavours.<sup>8</sup> Women were expected to accept permanent assignation to the proletarian base of both the academic and administrative pyramids by virtue of their sex. The women who dominated the general staff positions were treated as invisible or infantilised as 'the girls in the office'.<sup>9</sup>

It is therefore unsurprising that resentment began to crystallise in agitation for change. The significant catalyst for university activism was the passage of sex discrimination legislation at the State level, which was first enacted in South Australia in 1975,<sup>10</sup> and soon afterwards, in New South Wales<sup>11</sup> and Victoria.<sup>12</sup> The presumption

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<sup>2</sup> *Sex Discrimination Act 1984* (Cth).

<sup>3</sup> Of the 28 contributors to a collection on contemporary university administration in the 1970s, not one mentioned the growing dissatisfaction regarding the under-representation of women. See R McCraig (ed), *University Administration in Australia: A Collection of Papers from the Nine Administrative Staff Courses sponsored by the Australian Vice-Chancellors' Committee and held in Australian between 1969 and 1977*, University of Sydney, 1978.

<sup>4</sup> The persistent masculinity of the academy has been analysed extensively elsewhere. See, eg, Jan Currie, Bev Thiele & Patricia Harris, *Gendered Universities in Globalized Economies*, Lexington Books, Lanham Md, 2002; Rosemary Deem, 'Gender, Organizational Cultures and the Practices of Manager-Academics in UK Universities' (2003) 10 *Gender, Work and Organization* 239; Jill Blackmore & Judyth Sachs, *Performing and Reforming Leaders: Gender, Educational Restructuring, and Organizational Change*, State University of New York Press, Albany, 2007.

<sup>5</sup> In 1983, there were three senior female (1.18%) and 250 senior male staff at the ANU. See Sawyer, *Towards Equal Opportunity*, p 58.

<sup>6</sup> In 1983, the 387 female clerical workers at the ANU were all engaged in secretarial work. Sawyer, *Towards Equal Opportunity*, p 61.

<sup>7</sup> Eg, Gillian Cowlshaw, 'On being awarded an Australian Professorial Fellowship' (2007) 22(52) *Australian Feminist Studies* 15

<sup>8</sup> Eg, Cass et al, *Why so Few?* pp 73-77. Recent studies have disputed the claim that women carry heavier teaching loads than men. See, eg, Belinda Probert, "I just couldn't fit it in": Gender and Unequal Outcomes in Academic Careers' (2005) 12(1) *Gender, Work and Organization* 50, 60.

<sup>9</sup> Eg, Brian G Wilson & Eileen M Byrne (eds), *Women in the University: A Policy Report*, Report of the University of Queensland Senate Working Party on the Status of Women, University of Queensland Press, St Lucia, 1987, p 32.

<sup>10</sup> *Sex Discrimination Act 1975* (SA).

<sup>11</sup> *Anti-Discrimination Act 1977* (NSW) (ADA).

<sup>12</sup> *Equal Opportunity Act 1977* (Vic).

of formal equality between all persons within liberal legalism nevertheless places a heavy onus on an individual who challenges a powerful corporation with deep pockets. Securing a remedy is contingent on vulnerable individuals identifying the harm themselves, as well as assuming the psychological and financial burden of lodging a complaint and establishing that they were treated less favourably than the benchmark on the basis of their sex, race or other characteristic of identity. Apart from possessing the ability to recognise and conceptualise discrimination at the threshold, complainants have to prove the existence of a linear causal thread linking them with the respondent and the discriminatory conduct. This may be impossible in the case of a systemic harm. The animus against the Other may be lodged deep within the social fabric so that the specific harm affecting a complainant cannot be causally connected to an identifiable wrongdoer. Complaining to an outside body about discriminatory treatment within an organisation may also carry the kiss of death with it because such an action is perceived to besmirch the reputation of the organisation. In any case, an individualised system can only ever produce a Pyrrhic victory, as well as being a painfully slow way of effecting social change.

Recognition of the limitations of the individual complaint-based mechanism of anti-discrimination legislation engendered the view that proactive measures had to be put in place in universities to address what was, by then, acknowledged to be a widespread institutional and cultural problem. In addition to monographs such as *Why So Few?*,<sup>13</sup> the majority of universities between the mid-1970s and late 1980s began to respond to the liberal agenda and commissioned studies of the profiles of their institutions.<sup>14</sup> In the first instance, the focus was on securing a more equitable gender profile, particularly in senior positions.

A study commissioned by the Vice-Chancellor at Macquarie in 1983 is illustrative.<sup>15</sup> The report provided a detailed statistical profile of the gender breakdown across the university, including the composition of committees. Views of staff were elicited by means of questionnaires and fleshed out with interviews and case studies. The report found that the university was run by a 'centralised oligarchy' that largely excluded women.<sup>16</sup> It recommended that University Council appoint a person to promote and establish an equitable environment within the university. In specific recognition of the nexus between the student and the academic experience, it was recommended that the officer be termed an Equal Opportunity Officer, rather than an

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<sup>13</sup> Bettina Cass, Madge Dawson, Diana Temple, Sue Wills & Anne Winkler, *Why so Few? Women Academics in Australian Universities*, Sydney University Press, Sydney, 1983.

<sup>14</sup> Marian Sawyer's report on the ANU includes a summary of steps taken by Australian universities in the early 1980s. See Marian Sawyer, *Towards Equal Opportunity: Women and Employment at the Australian National University*, Report of the Working Party of the Association of Women Employees, Australian National University, Canberra, 1984, pp 6-16. See also Gretchen Poiner & Roberta Burke, *No Primrose Path: Women as Staff at the University of Sydney*, University of Sydney, 1988.

<sup>15</sup> Ann Eyland, Lesley Elder and Jennifer Noesjirwan, *Macquarie University: Equal Opportunity Project Staff Report prepared for the Vice Chancellor Emeritus Professor E C Webb*, Macquarie University, Sydney, 1983. The project was supported by WAM (Women at Macquarie) of which the author was a committee member.

<sup>16</sup> Eyland et al, *Macquarie University*, p 48.

Equal *Employment Opportunity Officer*.<sup>17</sup> However, the latter term appears to have been used in practice, as the primary focus was directed towards the staff experience.

Paralleling these institutional initiatives were halting moves at the legislative level to address the barriers for women and Others constituted by the pervasiveness of benchmark masculinity. *Anti-Discrimination Act 1977* (NSW) (ADA) was the first legislation to single out universities for proactive initiatives. New South Wales had introduced EEO provisions into the public service by virtue of Part IXA of the ADA in 1980. These provisions specified the preparation of plans designed to address discrimination in the workplace on the grounds of race, sex and marital status within State government departments and instrumentalities. New South Wales universities were scheduled under the ADA in 1983,<sup>18</sup> which similarly required them to develop plans and report annually.

As the initial reports from universities were not due until 1985, the Commonwealth quickly caught up with and displaced the New South Wales legislation with the enactment of the *Affirmative Action (Equal Opportunity for Women) in the Workplace Act 1986* (AAA),<sup>19</sup> which covered private sector corporations with more than 100 employees, as well as universities. Unlike the New South Wales legislation, the AAA was restricted to sex although, theoretically, it did not exclude the intersection of sex with race, sexuality, disability and/or age, despite the fact that the epistemology of multiple identities has always been legally and politically problematic.

In any case, the ostensibly proactive legislative mechanisms were instrumentally weak. They conferred no rights on individuals or groups and authorised what amounted to little more than self-regulation. Nevertheless, the theory of AA was that it was designed to ease the burden on the heroic complainant and transfer responsibility to organisations whose prophylactic actions would obviate the need for the lodgement of complaints. While this lofty aim may not have been realised, the discourse of AA undoubtedly contributed to the cultural change that occurred within universities. For a fleeting high political moment, they were anxious to be seen as progressive EO employers, who had sloughed off their pre-modern and patriarchal practices and were prepared to welcome women staff. Hence, statements such as 'X University is an Equal Opportunity Employer' began to appear on letterheads, as well as in job advertisements, prospectuses and other marketing material.

When EEO units were first set up in the mid-1980s, a committed feminist tended to be appointed as the initial officer. This person was accorded senior status and frequently reported directly to the VC. Support from the top was crucial for the acceptance of the EO officer within the university community. She was permitted to sit in on selection and promotion committees as an independent observer and make policy

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<sup>17</sup> Eyland et al, *Macquarie University*, p 164.

<sup>18</sup> I was able to make the argument as a member of the Women's Advisory Council to the Premier in 1982.

<sup>19</sup> The SDA had been enacted in 1984 but inclusion of AA provisions had proven contentious and was deferred. Susan Magarey, 'The Sex Discrimination Act 1984' (2004) 20 *Australian Feminist Law Journal* 127.

recommendations in accordance with a broad remit from the university council and/or the VC.<sup>20</sup>

Despite the high hopes for EO, the privileged status of the officer was short-lived. Like the blindfold figure of justice, she proved to be no more than a symbol that lacked the ability to effect substantive justice. As soon as she acted independently in accordance with her remit and began to question existing practices, she fell from grace. It could be averred that the seeds of destruction inhered within the very office itself. That is, once it was apparent that substantive gains (from a very low base) were being made, anti-feminist discourses began to circulate and undermine them.<sup>21</sup> The handling of discrimination and sexual harassment complaints by the EO officer, which was the case in some institutions, may have constituted an additional cause of aggravation, particularly when complaints involved senior managers. Marginalisation led to the loss of the right to observe selection and promotion committees, as well as to critique university policies. As the backlash began to materialise, the initial wave of high profile EO officers, like their counterparts, the femocrats in the public service, became disillusioned and departed. Some were compelled to leave. Senior managers did not want to be told that there was anything wrong with their time-honoured practices of homosocial reproduction, particularly when external threats were looming large on the horizon.

## **2. The Dawkins Reforms, 1988**

### ***(i) The Disappearance of EO Units***

The anti-feminist backlash coincided with the tsunami that was to submerge many of the EO initiatives before they had barely been formulated. The Dawkins reforms ended the binary system and irrevocably transformed higher education in Australia. Overnight, colleges of advanced education (CAEs) became universities, bringing with them new cultures and mores. The Dawkins reforms ushered in mass higher education, perennial under funding and a shift from free education into a user-pays system. Thus, instead of a public good, commodification transformed education to a private benefit. Compliance with the new marketised regime was hastened by means of competition policy, which became the basis of allocating funds by successive federal governments intent on de-funding public education.

The CAEs had little tradition of collegiality as they were bureaucratic institutions with a top-down mode of governance. This style of management was seized upon by government as an appropriate template for the sector generally, for it lent itself

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<sup>20</sup> The comprehensive reviews conducted by Dr Sue Wills, Equal Employment Opportunity Officer at Macquarie University in the 1980s, are illustrative. See Sue Wills, *Promotion from Lecturer to Senior Lecturer*, Macquarie University, Sydney, 1985; Sue Wills, *Review of General Staff Positions*, Macquarie University, Sydney, 1986; Sue Wills, *Promotion from Senior Lecturer to Associate Professor*, Macquarie University, Sydney, 1988.

<sup>21</sup> Imogen Tyler notes how the 'myth of the selfish feminist' emerged just when the women's movement was making substantive gains. See Imogen Tyler, 'The Selfish Feminist: Public Images of Women's Liberation' (2007) 22(53) *Australian Feminist Studies* 173, 186.

to the control of the large multi-campus institutions that emerged from amalgamations. As a result, a new style of VC, akin to the CEO of a private corporation emerged, one who espoused a harsher, depersonalised and stereotypically masculinist style. As one VC said, 'The job of a VC is to kick heads'. Gone was the avuncular VC of the past who favoured consultation and an open-door policy. In the corporatised university, little communication occurred between the new-style VC and members of the university community, other than with a few senior confidantes. Restructuring resulted in fewer faculties, often leading to a motley collection of disciplines that had to be managed by a new tier of middle-level line managers. As the degree of surveillance and control over staff increased, the space for individual autonomy contracted. The power of university councils also contracted as they adopted a more deferential stance towards VCs and began to cede their deliberative function.<sup>22</sup>

Within this anti-democratic and economically rationalist environment, the concerns of women as a discrete interest group within the university receded. Indeed, the backlash against the campaign for gender equality and feminist scholarship was a noted international phenomenon after the initial flush of success.<sup>23</sup> It is therefore hard to disagree with Jill Blackmore that restructuring itself had become a form of backlash.<sup>24</sup> The new managerialism was responsible for the final nail in the coffin of EO units as quasi-independent entities. They did not fit in, but were anomalies that needed to be rationalised, managed and 'manned'. A case study conducted by Carolyn Noble and Joanne Mears in the early life of a new university is illuminating.<sup>25</sup> The EEO coordinators felt that amalgamation had caused EEO to slip off the agenda and they were left with no reporting process. In contrast, senior managers felt that amalgamation exerted little effect on EEO, a perception the authors believed arose from its low status. The ignorance of women's collective experience of discrimination displayed by men is a well known phenomenon. Feenan refers to this as an epistemology of ignorance.<sup>26</sup> This ignorance, or denial of the problem is then underscored by the mere existence of an EO unit, even if inactive.

Minimal compliance with form became the order of the day everywhere, a scenario in which procedural requirements are adhered to but there is otherwise

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<sup>22</sup> Margaret Thornton, 'The Neoliberal University and the Governance Trap' (Autumn 2005) 3 *Australian Prospect* <http://www.australianprospect.com.au>

<sup>23</sup> Eg, VèVè Clark, Shirley Nelson Garner, Margaret Higonnet & Ketu H Katrak (eds) *Antifeminism in the Academy*, Routledge, New York, 1996; Currie et al, *Gendered Universities*, p 157; Margaret Thornton, 'Neoliberal Melancholia: The Case of Feminist Legal Scholarship' (2004) 20 *Australian Feminist Law Journal* 7; Hester Lessard, 'Backlash in the Academy: The Evolution of Campus Sexual Harassment Regimes' in Dorothy E Chunn, Susan B Boyd & Hester Lessard (eds), *Reaction and Resistance: Feminism, Law and Social Change*, UBC Press, Vancouver, 2007.

<sup>24</sup> Jill Blackmore, 'Disciplining Feminism: A Look at Gender-Equity Struggles in Australian Higher Education' in Leshe G Romen and Linda Eyre (eds), *Dangerous Territories: Struggles for Difference and Equality in Education*, Routledge, New York, 1992, p 75.

<sup>25</sup> Carolyn Noble and Joanne Mears, 'EEO and the "New" Universities: A Case Study' in Anne Marée Payne & Lyn Shoemark (eds), *Women, Culture and Universities: A Chilly Climate?* National Conference on the Effect of Organisation Culture on Women in Universities, UTS Women's Forum, Sydney, 1995.

<sup>26</sup> Dermot Feenan, 'Understanding Disadvantage partly through an Epistemology of Ignorance' (2007) 16(4) *Social & Legal Studies* 509, 517.

virtually no institutional commitment.<sup>27</sup> If women are ‘unsuccessful’, it is because of their inefficient ‘life choices’, such as having children.<sup>28</sup> The individualisation of the problem deflects attention away from the systemic nature of discrimination that is woven into the woof and weft of the fabric of society so as to sustain hegemonic masculinity.<sup>29</sup>

Nevertheless, despite the increasingly hostile environment, the proportion of female academics had increased significantly by the mid-1990s.<sup>30</sup> This was due largely to the preponderance of women employed as teaching staff in the former CAEs, not because of the gender analyses contained in the university reports of the 1980s. While numerosity does not necessarily effect change,<sup>31</sup> the focus on numbers of women nevertheless encouraged detractors to aver that EEO units were passé, although the undervaluation of women and feminist scholarship remained a cultural constant.<sup>32</sup> The increasing numbers of women in the academy encouraged backlash, which is the direct result of gains made.<sup>33</sup>

The fact that women were now a force to be reckoned with nevertheless made it more difficult to disband EO units, but if it were politically unwise to disband these rogue EO units, what was to be done with them? The typical post-Dawkins response was either to ‘mainstream’ or ‘downstream’ them, as had already occurred in the public and private sectors. Mainstreaming meant that they were commonly assigned to subordinate, dependent and deskilled status in human resources branches, where they lost their outsider edginess. While there may be a positive facet to gender mainstreaming, which sets out to normalise policies for gender equality throughout an organisation rather than quarantine them in a specific unit,<sup>34</sup> the experience of the

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<sup>27</sup> See also Catherine Fletcher, ‘Passing the Buck: Gender and Management of Research Production in UK Higher Education: Management Perspectives from a Case Study’ (2007) 26(4) *Equal Opportunities International* 269.

<sup>28</sup> Hakim is a major proponent of rational choice theory in terms of women’s participation in the workforce. See Catherine Hakim, *Key Issues in Women’s Work: Female Diversity and the Polarisation of Women’s Employment*, Glasshouse Press, London, 2004.

<sup>29</sup> ‘Hegemonic masculinity’ is the term, adapted from Gramsci, used to capture the notion of ascendancy within a play of power. See R W Connell, *Gender and Power: Society, the Person and Sexual Politics*, Polity Press, Cambridge, 1987; Margaret Thornton, ‘Hegemonic Masculinity and the Academy’ (1989) 17 *International J Sociology of Law* 115; Barbara Bagilhole, ‘Challenging Equal Opportunities: Changing and adapting Male Hegemony in Academia’ (2002) 23(1) *British Journal of Sociology of Education* 19. Hegemonic masculinity should not be understood in one-dimensional terms as representing the masculinist position. See Currie, Thiele & Harris, *Gendered Universities*, p 171.

<sup>30</sup> Tanya Castleman, Margaret Allen, Wendy Bastalich & Patrick Wright, *Limited Access: Women’s Disadvantage in Higher Education Employment*, National Tertiary Education Union, Melbourne, 1995.

<sup>31</sup> Colleen Chesterman, ‘Toppling Towers? Gender Equity in Universities’ (2005) 47(2) *Australian Feminist Studies* 259, 263.

<sup>32</sup> Louise Morley, ‘Sounds, Silences and Contradictions: Gender Equity in British Commonwealth Higher Education’ (2005) 20(46) *Australian Feminist Studies* 109.

<sup>33</sup> Shirley Nelson Garner, ‘Transforming Antifeminist Culture in the Academy’ in Clark et al, *Antifeminism in the Academy*, p 214.

<sup>34</sup> Sylvia Walby, ‘Introduction: Comparative Gender Mainstreaming in a Global Era’ 7(4) (2005) *International Feminist Journal of Politics* 453.

corporatised university suggests the less altruistic agenda.<sup>35</sup> Mainstreaming usually meant that the student function was severed and assigned to student services.

Downstreaming devolved responsibility to faculties, schools and departments, which effectively meant that resources dried up as no one was prepared to take responsibility for EO at all. The absence of training or monitoring enabled a resurgence of sex-based and race-based discrimination. Compliance with the AAA involved annual reporting, for which purpose the EO office was sometimes retained, but significantly downgraded. It lost its complaint-handling role, if it had one in the first place, as well as having its name changed and resources cut. Any equity resources tended to be channelled into student services and global marketing. Domestication of EO signalled the fact that specific equity agendas for staff had become ‘too difficult, too expensive and too dangerous’.<sup>36</sup>

## ***(ii) The Corporatised University***

The Dawkins reforms were one manifestation of the swing in favour of neoliberalism, which had quickly become the dominant political and economic philosophy of the western world. Instead of supporting civil society, distributive justice and the public good, as had been the case under social liberalism, governments now chose to effect a liaison with the market. However, as Wendy Brown points out, the ‘neo’ in neoliberalism is not just about economic policies, but their socio-political effect because of the way such policies reach from ‘the soul of the citizen’ to affect all spheres of social action.<sup>37</sup> The citizen has been transmuted into a rationally calculating individual concerned with the maximisation of profits and self-promotion, one whom Brown terms *homo oeconomicus* – economic man.<sup>38</sup> This opportunity maximiser is at the centre of the audit culture,<sup>39</sup> which requires constant performance, including reinvention of the self if necessary, on pain of redundancy. Productivity is evaluated in terms of performativity, which Lyotard defines as ‘the process of optimization of the relationship between inputs and outputs’.<sup>40</sup> This performative universe, in which ‘inputs’ and being seen to perform are more significant than ‘outputs’, has contributed to a relentless individualism at the expense of the collective good. In such a fiercely competitive dog-eat-dog environment, inequality, not equality, became the dominant norm. EEO, equity and concern for the Other, as paradigmatic collective goods, were rendered passé, along with other facets of social liberalism and the welfare state.

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<sup>35</sup> Bacchi highlights the ambiguities besetting both mainstreaming and diversity. See Carol Bacchi, ‘Managing Equity: Mainstreaming and ‘Diversity’ in Australian Universities’ in Ann Brooks & Alison Mackinnon (eds), *Gender and the Restructured University: Changing Management and Culture in Higher Education*, Society for Research into Higher Education & Open University Press, 2001.

<sup>36</sup> Jill Blackmore, ‘Globalisation and the Restructuring of Higher Education for New Knowledge Economies: New Dangers or Old Habits troubling Gender Equity Work in Universities’, Working Paper 02131, Deakin Centre for Education and Change, Deakin University, Geelong, 2002.

<sup>37</sup> Wendy Brown, *Edgework: Critical Essays on Knowledge and Politics*, Princeton University Press, Princeton, 2005, p 39.

<sup>38</sup> *Ibid*, p 40.

<sup>39</sup> Michael Power, *The Audit Culture: Rituals of Verification*, Oxford University Press, Oxford, 1997.

<sup>40</sup> Jean L Lyotard, *The Post Modern Condition: A Report on Knowledge*, Manchester University Press, Manchester, 1984, p 11.

Within a performative culture, there is no space to accommodate EEO. It is likely to be swamped by the market and the accompanying rhetoric of quality, excellence, world class, and so on. As one of the EO managers interviewed by Blackmore and Sachs stated: 'if a uni judges itself as a research institution, they are not going to care if they are good at affirmative action'.<sup>41</sup> Social liberalism allowed space for collective good but now it is competitive individualism mediated through the brand name of the university that is played out in the market.

Neoliberalism has seen a distinct shift away from workers' rights generally to the interests of employers to enable them to maximise profits. Flexibility and casualisation are also deemed to be in the national interest to enable nation states to be competitive on the world stage. This has led simultaneously to work intensification and an erosion of working conditions. The evidence in respect of the increase in casualisation and precarious work suggests that women are compelled to bear a disproportionate burden of the cost of the political shift.<sup>42</sup> Nevertheless, the demands of efficiency and productivity in the workplace have silenced equity discourse, unless it can be shown to have use value in the market. As this is difficult, corporatisation has served to entrench and legitimate traditional hierarchies based on race, class and gender.<sup>43</sup>

The evidence in respect of individual workplace contracts suggests conclusively that women generally do less well than men in an enterprise-based bargaining system.<sup>44</sup> The discourse of the 'good of the economy' largely succeeded in supplanting any concern about women or Others not faring well. Platitudes, such as 'we live in a post-feminist age', were reiterated even by former Prime Minister, John Howard.<sup>45</sup> The assumption is that women have attained equality by being 'let in' in significant numbers (albeit mainly to the lower echelons) and any further action would violate the norm of equal treatment. The logic of the market therefore legitimates and naturalises the re-gendering of the academy.

While one of the aims of EEO was to change the masculinist character of leadership positions, neoliberalism has increased the ambivalence for women about becoming managers.<sup>46</sup> A harsh, depersonalised and top-down style, conventionally thought of in masculinist terms, which has been described as 'academic machismo',<sup>47</sup> is favoured within the corporatised university over one that is consultative and collegial. The reality is that the new managerialism allows very little space for any deviation from

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<sup>41</sup> Blackmore & Sachs, *Performing and Reforming Leaders*, p 234.

<sup>42</sup> Judy Fudge & Rosemary Owens (eds), *Precarious Work, Women, and the New Economy*, Hart Publishing, Oxford & Portland, US, 2006.

<sup>43</sup> Cf Lessard, 'Backlash in the Academy', p 187.

<sup>44</sup> David Peetz, 'Collateral Damage: Women and the WorkChoices Battlefield' <http://www.qpsu.org.au> (accessed 5 February 2008). As a result of ongoing criticism of the *Workplace Relations Amendment (Work Choices) Act 2005* (Cth), the *Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008* (Cth) was enacted as an early initiative of the Rudd Government.

<sup>45</sup> Anne Summers, *The End of Equality: The End of Equality: Work, Babies and Women's Choices in 21<sup>st</sup> Century Australia*, Random House, Sydney, 2003, p 21.

<sup>46</sup> Morley, 'Sounds, Silences and Contradictions' 114. For an excellent study of 'womangers' in schools, TAFE colleges and universities, see Blackmore & Sachs, *Performing and Reforming Leaders*.

<sup>47</sup> Currie et al, *Gendered Universities*, p 178.

the norm of benchmark masculinity. A line manager, by definition, is subject to those further up the line and the pressure to do more with less is relentless. A managerial role in an institution that has moved to a multi-disciplinary faculty structure offers little opportunity for *academic* leadership. To signal the new mindset, managers, not professors, have become the core workers of the university.<sup>48</sup> The task of these new managers is to keep unruly academics in check and promote performativity and productivity. In view of the fact that a small but significant number of women have moved into senior positions, albeit usually at the deputy level, Probert muses as to whether this reflects the declining attractiveness of positions in university administration.<sup>49</sup> Despite the appearance of the occasional woman in the senior ranks, the cultural changes that have accompanied Dawkins and the subsequent ratcheting up of modes of surveillance and auditing mechanisms, together with the need to be entrepreneurial and promote the self, have combined to create a ‘chilly climate’ for women once more.<sup>50</sup>

We see the two movements – neoliberalism and EO – totally at odds with one other. The former effectively transformed the academy overnight, while the latter was unable to withstand the onslaught. Productivity, performativity and profits trump notions of collective good in the corporatised university. The pressure for universities to compete intensified as the market shifted from the local to the global arena.<sup>51</sup> Equity, along with other social liberal and egalitarian values of the 1970s and 1980s, has been largely sloughed off and consigned to mothballs – at least so far as staff are concerned.

Aiding the demise of EEO was the implosion of the category ‘woman’, which was attacked as one-dimensional and essentialist for embodying a white, Anglo-Celtic, heterosexual, able-bodied, middle-class subject. The implosion of the category woman in feminist theory had a marked effect on the academy, including the disbanding of

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<sup>48</sup> A B Cabal, *The University as an Institution Today*, UNESCO & IDRC, Paris & Ottawa, 1993; Blackmore, ‘Globalisation and the Restructuring of Higher Education’, p 9.

<sup>49</sup> Probert, “‘I just couldn’t fit it in’” 51. It is notable that only five of the 17 (29%) universities in a 2005 Australian study had a Key Performance Indicator for gender in relation to senior positions. See Hilary Winchester, Colleen Chesterman, Shard Lorenzi & Lyn Browning, *The Great Barrier Myth: An Investigation of Promotions Policy and Practice in Australian Universities*, National Colloquium of Senior Women Executives in Higher Education, University of South Australia, 2005 [http://www.universitiesaustralia.edu.au/documents/policies\\_programs/women/FinalAVCCReportJuly05.pdf](http://www.universitiesaustralia.edu.au/documents/policies_programs/women/FinalAVCCReportJuly05.pdf) (accessed 6 February 2008).

<sup>50</sup> The term ‘a chilly climate’, now widely used, is attributed to Hall and Sandler. See Roberta M Hall & Bernice R Sandler, *The Classroom Climate: A Chilly One for Women?* Project on the Status and Education of Women, Association of American Colleges, Washington DC, 1982; Roberta M Hall & Bernice R Sandler, *Out of the Classroom: A Chilly Campus Climate for Women?* Project on the Status and Education of Women, AAC, Washington DC, 1984; Bernice R Sandler, *The Campus Climate Revisited: Chilly Climate for Women Faculty, Administrators and Graduate Students*, Project on the Status and Education of Women, AAC, Washington DC, 1986. The phrase has been adopted by many others. See, eg, The Chilly Collective (eds), *Breaking Anonymity: The Chilly Climate for Women Faculty*, Wilfred Laurier University Press, Waterloo, Ont, Can, 1995; Payne & Shoemark, *Women Culture and Universities: A Chilly Climate?*

<sup>51</sup> Overseas students constituted 25.5% of all Australian higher education students in 2006. See Department of Education, Science and Training (Australian Government), *Students 2006 [full year]: Selected Higher Education Statistics* [http://www.dest.gov.au/sectors/higher\\_education/publications\\_resources/profiles/students](http://www.dest.gov.au/sectors/higher_education/publications_resources/profiles/students) (18 December 2007).

women's studies courses.<sup>52</sup> The coincidence of the postmodern attack on the category woman and the transformation of the modernist university by the market provided fortuitous ammunition for the detractors of EEO in the academy. The effect was not just destabilising but lethal.

### **(iii) Student/Consumers**

The commitment to EEO continued to appear spasmodically in policy documents on websites and in advertisements, but access and equity for students took precedence. The transmutation of students into consumers as a result of the Dawkins reforms irrevocably changed the discourse. As students began to pay more for their education, their status as rights-bearing consumers with significant bargaining power required universities to devote more resources to their wellbeing. The response by universities was instrumental rather than altruistic, as de-funding of higher education heightened the competition between institutions, causing them to vie with one another for students, first, at the local level, then the national, and finally on the international stage. Students had to be actively recruited and their differences accommodated. They could no longer be treated as a homogeneous bloc.

In the transition from staff to students in the EO narrative, there has been a discernible shift away from gender to race and disability, focusing on access, special programmes and reasonable accommodation. Women now constitute more than fifty per cent of the student population across the board.<sup>53</sup> Reaching the tipping point may have suggested that there were now *too many* women. It is notable that some institutions have sought to cut back on the intake of students into feminised areas within humanities and social sciences, or even abolish their humanities faculty altogether, as proposed by the Queensland University of Technology.<sup>54</sup> Class has made a cautious reappearance once more, albeit now conceptualised as 'students of low socio-economic background'.

The conceptualisation of higher education as an industry,<sup>55</sup> rather than a public good, has totally disrupted the traditional *idea* of the university.<sup>56</sup> Nevertheless, the Newmanite notion of pursuing knowledge for its own sake has always been an ideal. Until recently, universities were associated with nation building – producing, protecting and inculcating the idea of national culture<sup>57</sup> – but these values have now been replaced with a constellation of altogether different values associated with the market and economic good in accordance with the dominant political philosophy of neoliberalism.

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<sup>52</sup> I have written about the impact of this phenomenon on legal studies. See Thornton, 'Neoliberal Melancholia'.

<sup>53</sup> The DEST figures for all enrolled students in 2006 was 54.8%.

[http://www.dest.gov.au/sectors/higher\\_education/publications\\_resources/profiles/students\\_2006\\_selected\\_higher\\_education\\_statistics.htm](http://www.dest.gov.au/sectors/higher_education/publications_resources/profiles/students_2006_selected_higher_education_statistics.htm)

<sup>54</sup> I participated in the Last Post Seminar: Closure and the Humanities and Social Sciences Programme, QUT, Carseldine Campus, 29 November 2007.

<sup>55</sup> Education is now Australia's third top export after coal and iron ore production, generating \$12.5 billion in revenue. In 2007, it replaced tourism as the biggest services export. See Milanda Rout, 'Education Trumps Tourism', *The Australian*, 6 February 2008, p 8.

<sup>56</sup> John Henry Newman, *The Idea of a University*, ed with introd and notes by I T Ker, Clarendon, Oxford, 1976 (1<sup>st</sup> edn 1852).

<sup>57</sup> Bill Readings, *The University in Ruins*, Harvard University Press, Cambridge MA, 1996.

The commodification of higher education and its acceptance by the community reveals most graphically how the market has entered the soul of society.

While the sector has been ostensibly deregulated, with universities theoretically free to determine the number of students they admit, what they teach and which entrepreneurial activities they pursue, they are, paradoxically, subject to intense micro-management by government,<sup>58</sup> underscoring the way government and the market are now thoroughly imbricated with one another. Monetary incentives offered on a competitive basis are available in various domains, include equity and access for students, but not EEO for academic or general staff.<sup>59</sup> The dominant political discourse of *de*-regulation is selectively adduced. The reality is that government is now subjecting universities to intense micro-management with the aid of competition policy.

### 3. Diversity Discourses

#### (i) *Affirmative Action (AA)*

The excision of the phrase AA from the AAA in 1999 is worthy of note. As already mentioned, the AAA imposed minimal reporting requirements regarding institutional initiatives designed to improve the status of working women. Pressure to repeal the Act emanated from the Business Council of Australia, when it claimed that the legislation constituted an ‘impost on business’, ostensibly because of the annual reporting requirement. More significant was the sub-text that equated AA with preferential treatment of ‘the disadvantaged’.<sup>60</sup> The pejorative imputation, slyly attacking women, implied that AA offended liberal legalism’s norm of strict equal treatment by making unmeritorious appointments on the basis of biology rather than merit.

AA acquired negative overtones in Australia as a result of the influence of American anti-AA discourse, which averred that it entailed the mandatory employment of quotas of unmeritorious Afro-Americans and women. As suggested, the AAA was an extraordinarily weak piece of legislation. While the Act required employers to ‘set objectives’ and make ‘forward estimates’, these were intended as guides to facilitate the preparation of plans within organisations; they were not mandatory quotas. When the AA Agency collected annual reports from employers, there was no follow-up regarding the validity of claims made.<sup>61</sup> The only sanction was naming a non-compliant organisation in the annual report that was tabled in Parliament, a sanction about which

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<sup>58</sup> Simon Marginson and Mark Considine, *The Enterprise University: Power, Governance and Reinvention in Australia*, Cambridge University Press, Cambridge, 2000, p 20 ff.

<sup>59</sup> *Amendment No 3 to the Other Grants Guidelines 2006*. These guidelines are effected under the *Higher Education Support Act 2004* (Cth). Funding is available for participation by students relating to Indigenous background, low-economic status, rural and isolated background, disability, non-English speaking background and gender.

<sup>60</sup> Carol Bacchi, *The Politics of Affirmative Action: ‘Women’, Equality and Category Politics*, Sage, London, 1996, p 31.

<sup>61</sup> Glenda Strachan and John Burgess, ‘W(h)ither Affirmative Action Legislation in Australia?’ (2000) 5(4) *Journal of Interdisciplinary Gender Studies* 46.

some employers were scornful.<sup>62</sup> The violation was the failure to submit a report, not failure to effect a substantive improvement in the status of women. Despite its toothless character, employer groups persisted in agitating for its repeal. This is despite the fact that AA had been sold to employers on the basis of the business case, that is, it was efficient and rational, and ‘good for business’.<sup>63</sup>

The business lobby was not convinced and the AAA was repealed and replaced with the *Equal Opportunity for Women in the Workplace Act 1999* (Cth) (EOWWA). The replacement legislation was roughly the same as its predecessor but was even weaker. All references to AA were excised, together with ‘objectives’ and ‘forward estimates’, lest they be construed as mandating quotas. The requirement that there be consultation with unions and women disappeared. The annual reporting requirements were weakened and could be waived in favour of triennial reporting.<sup>64</sup> Inclusion on the Employer of Choice for Women list ensures a reporting-free period. The criteria are not onerous; twenty three universities were on the list in 2008.<sup>65</sup> In extolling voluntarism, the legislation is a paradigm of minimalist regulation. While retaining a formalistic commitment to EEO, it embodies the rhetoric of backlash.

The erasure of AA from the EEO discourse sent a clear message that a regime of strict equal treatment was now to prevail. Employers were not to be burdened with equity obligations in a neoliberal climate where the focus was on productivity and performativity.

### ***From Equal Opportunity to Diversity***

As inequality has become the norm in a competitive, market-oriented world, equality and its various incarnations, including equality of opportunity, is also treated as though it were passé.<sup>66</sup> Equality no longer comports with the values of the market, but is depicted as cumbersome and old-fashioned. Equality is an expression of longing for the way things might be, as well as a discomfiting reminder of the history of exclusion and perpetration of acts of inequality against women and Others. As with AA, efforts were similarly made to erase EO from the official lexicon. In 2003, for example, the Howard Government introduced the Australian Human Rights Commission Legislation Bill into the House of Representatives, which proposed to excise the phrase from the name of the Human Rights and Equal Opportunity Commission, but the Bill lapsed.<sup>67</sup> As it became fashionable for conservatives to dissociate themselves from historic wrongs, it is

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<sup>62</sup> Strachan and Burgess, ‘W(h)ither Affirmative Action?’ 48.

<sup>63</sup> Ann Game, ‘Affirmative Action: Liberal Rationality or Challenge to Patriarchy?’ (1984) 9 *Legal Service Bulletin* 253.

<sup>64</sup> [http://www.eowa.gov.au/about\\_eowa/overview\\_of\\_the\\_act/act\\_at\\_a\\_glance/eowa\\_act\\_at\\_a\\_glance\\_word\\_rtf.rtf](http://www.eowa.gov.au/about_eowa/overview_of_the_act/act_at_a_glance/eowa_act_at_a_glance_word_rtf.rtf) (accessed 1 February 2008).

<sup>65</sup> [http://www.eowa.gov.au/EOWA\\_Employer\\_Of\\_Choice\\_For\\_Women.asp](http://www.eowa.gov.au/EOWA_Employer_Of_Choice_For_Women.asp) (accessed 18 March 2008). Inclusion on the list is obtained by application by the employer. Criteria include sexual harassment training for all staff; a pay equity gap that is less than the national average of 17%; at least 27% of managers are women; the availability of paid maternity leave; female managers can work part-time, and EO for women is a standing agenda item on a committee chaired by the CEO or his/her direct report.

<sup>66</sup> Anne Summers has commented on this shift. See Summers, *The End of Equality*; Anne Summers, ‘Putting Equality back on the Agenda’, 7<sup>th</sup> Victorian Human Rights Oration, 10<sup>th</sup> December 2007.

<sup>67</sup> It is unlikely to be revived by the Rudd Government.

unsurprising that ‘diversity’, a term ostensibly lacking any obvious antonym or abrasive underside (like equality), was fervently embraced.<sup>68</sup>

Diversity is an all-encompassing term that is applied not just to staff, but to students, courses and universities themselves. It is described as the ‘new buzz word’ in higher education discourse.<sup>69</sup> Its emergence has effectively papered over the need to attain gender equity which, unsurprisingly, remains elusive.<sup>70</sup> While homosociality has always favoured those who are most like the decision makers in the construction of the ‘best person’, variations on this theme are constantly emerging, as merit is a malleable construct shaped by power.<sup>71</sup>

Maxine Lacey has shown how intransigent the phenomenon of homosociality is as the most recent incarnation requires university appointees to be the ‘right fit’.<sup>72</sup> The rhetoric of the ‘right fit’ adroitly sidesteps liability under anti-discrimination law because it cannot be connected to a proscribed ground. Indeed, it has allowed hegemonic masculinity to be revived under the guise of corporate wellbeing and competition policy. Hence, the appointment of women or racialised Others is not precluded, provided that the appointee is the ‘right fit’, which means accepting the dominant value system. A woman appointee, for example, must not identify with other women and raise discomfiting gender specific issues, such as sexual harassment or the dearth of senior women, in management spaces.<sup>73</sup>

Diversity, of course, is a term with positive and progressive connotations with which one cannot ostensibly take issue and is frequently invoked in conjunction with cognate terms, such as multiculturalism and pluralism.<sup>74</sup> Gender may be one of a list of characteristics that can be subsumed within the rubric of diversity, but is watered down by what Mary O’Brien refers to as ‘commatation’, a device through which women disappear within a list of oppressed groups: race comma gays comma gender comma class.<sup>75</sup> An example from a contemporary website extolling diversity makes the point even more sharply as any experience of oppression disappears altogether:

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<sup>68</sup> Carol Bacchi, ‘The Seesaw Effect: Down goes Affirmative Action, up comes Managing Diversity’ (2000) 5 *Journal Interdisciplinary Gender Studies* 64; Margaret Thornton, ‘EEO in a Neo-Liberal Climate’ (2001) 6(1) *Journal of Interdisciplinary Gender Studies* 77; Jill Blackmore, ‘Deconstructing Diversity Discourses in the Field of Educational Management and Leadership’ (2006) 34 *Educational Management Administration Leadership* 181.

<sup>69</sup> Roy Eccleston, ‘Uni push ‘must avoid US errors’, *The Australian*, 17 March 2008, p 6.

<sup>70</sup> Winchester et al, *The Great Barrier Myth*, p 1.

<sup>71</sup> Margaret Thornton, ‘Affirmative Action, Merit and the Liberal State’ (1985) 2(2) *Aust J of Law & Society* 28; Thornton, ‘Hegemonic Masculinity and the Academy’.

<sup>72</sup> Maxine Lacey, ‘Ethics and Equity: Are you the Right Fit?’”, paper presented at Equal Opportunity Practitioners in Higher Education Australasia conference, Melbourne, 19-22 November 2007; Probert, “‘I Just Couldn’t Fit It In’”. Corporate lawyers have also referred to ‘fitting in’ as the ‘X’ factor, with which women find difficulty in complying when being considered for partnerships. See Margaret Thornton & Joanne Bagust, ‘The Gender Trap: Flexible Work in Corporate Legal Practice’ (2007) 45(4) *Osgoode Hall Law Journal* 773, 797.

<sup>73</sup> Cf Blackmore & Sachs, *Performing and Reforming Leaders*, p 162.

<sup>74</sup> Eg, Laksiri Jayasuriya, ‘Integration in a Diverse Plural Society’ (2007) 26(2) *Dialogue: Academy of the Social Sciences in Australia* 48.

<sup>75</sup> Mary O’Brien, ‘The Commatation of Women: Patriarchal Fetishism in the Sociology of Education’ (1984) 15(2) *Interchange* 43.

Diversity issues related to race, gender, age, disabilities, religion, job title, physical appearance, sexual orientation, nationality, multiculturalism, competency, training, experience, and personal habits are explored in these links.<sup>76</sup>

The commatiation of diversity allows competency, training and personal habits to be treated as though such variables possess comparable significance to that of race, gender and homophobia in terms of the history of exclusion. Diversity displays a similar ability to trivialise oppression and sloughs off any notion of past wrongs and structural disadvantage, thereby exonerating contemporary employers.<sup>77</sup>

The discourse of diversity conveniently occludes the history of inequality and inequity that is at the heart of the imperative for change, as well as the adversarial binarism of victim and perpetrator, complainant and respondent. Diversity discourses also neutralise and depoliticise so that they are devoid of any notion of power.<sup>78</sup> The anodyne term 'diversity' papers over the abrasive and negative undertones of inequality. Diversity has no obvious antonym, but is a feel-good term that not only appeases the critics of EEO, but also plays a significant ideological role by obscuring the way the market perennially produces and reproduces inequality.

The Commonwealth Public Service set the scene when it specifically adverted on its website in 2000 to a change from an 'equal employment opportunity (EEO) culture to a workplace diversity culture'.<sup>79</sup> This change in the discourse has been widely reflected within the public and private sectors, as well as within universities. Equity and diversity units have tended to replace EEO units, if stand-alone units have not been abolished altogether.<sup>80</sup> 'Diversity' has also made an appearance in course names, such as Sexuality, Gender and Diversity, which have commonly replaced women's studies. These titles may have contributed to the silencing of both women and the feminine, a phenomenon that is now widespread among universities.<sup>81</sup>

The discourses of 'diversity', 'managing diversity' and even 'productive diversity'<sup>82</sup> represent a change that has overtaken EEO everywhere. It is also notable that diversity has no legal meaning, so that there is no obligation on employers to do

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<sup>76</sup> About.com: Human Resources  
[http://humanresources.about.com/od/diversity/Diversity\\_Issues\\_Diversity\\_in\\_the\\_Workplace.htm](http://humanresources.about.com/od/diversity/Diversity_Issues_Diversity_in_the_Workplace.htm)  
(accessed 6 February 2008).

<sup>77</sup> The approach is reminiscent of the refusal to apologise to Indigenous people for past wrongs by former Australian Prime Minister, John Howard. An apology was given by Prime Minister Rudd at the inaugural sitting of Parliament under his leadership on 13 February 2008  
[http://www.aph.gov.au/house/Rudd\\_Speech.pdf](http://www.aph.gov.au/house/Rudd_Speech.pdf) (accessed 31 March 2008).

<sup>78</sup> Cf Bacchi, 'The Seesaw Effect'.

<sup>79</sup> The document now appears to have been removed from the PSMPC website, but see Thornton, 'EEO in a Neo-Liberal Climate' 93. For a comprehensive analysis of the way workplace diversity supplanted EEO in the public service, see Bacchi, 'The Seesaw Effect'.

<sup>80</sup> The titles of the EOPHEA conference papers 1999-2007 reflect the shift from EEO to diversity  
<http://pandora.nla.gov.au/pan/36185/20041029-0000/www.eophea.anu.edu.au/conferen> I accessed 31 March 2008).

<sup>81</sup> Lotte Bailyn, 'Academic Careers and Gender Equity: Lessons Learned from MIT' (2003) 10 *Gender, Work and Organization* 137, 149.

<sup>82</sup> Bill Cope & Mary Kalantzis, *Productive Diversity: A New, Australian Model for Work and Management*, Pluto Press, Sydney, 1997.

anything but 'let in' a few women and Others as evidence of their liberality.<sup>83</sup> The legal concept of discrimination as a manifestation of less favourable treatment is irrelevant in the diversity context in which there is no right created, no standard of behaviour, no notion of a violation, no cause of action and no remedy. Indeed, the anti-EEO lobby has welcomed the shift away from what some see as the 'punitive equal opportunity approach'.<sup>84</sup>

'Managing diversity' signals the shift in focus from employees to management, for it is 'about enhancing the managers' capability to tap the potential of employees',<sup>85</sup> as well as to reduce their power.<sup>86</sup> 'Managing diversity' also insidiously deflects attention away from just who is doing the managing.<sup>87</sup> To work in the interests of employees, managing diversity has to have the commitment of those at the top of the organisation.<sup>88</sup> Twenty years ago, there may have been such a commitment, but this is rarely the case today. Corporatisation and commodification have brought new imperatives with them, and diversity has become just another technology of power to be deployed in the interests of the organisation.

Diversity is a discursive construct that can be invested with a positive meaning that recognises the skills, abilities and unique attributes of individuals. The temptation for a university in a competitive neoliberal environment is to cut corners, do nothing and rely on the rhetorical power of the concept alone. It is therefore unsurprising that it is now supplanting EEO in job advertisements, prospectuses and web sites.<sup>89</sup> A knowledge of EEO may still be included as a criterion for appointment, but is treated perfunctorily by selection committees.

Instead of diversity and difference among staff according to the rhetoric, it is homogeneity that is sought by universities to teach the substantial numbers of full fee-paying students, particularly those who are high fee-paying international students.<sup>90</sup> Docile and pliable, these staff will obey managerial edicts exhorting standardisation, particularly if they are casual or contract staff. Research staff may be permitted to step outside the McDonaldised mould, but they are also expected to respect and comply with performative and auditing templates.

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<sup>83</sup> Bacchi suggests that the shift in language and policy from EO to workplace diversity was designed to accord with the government agenda of reducing controls on employers. See Bacchi, 'The Seesaw Effect' 67.

<sup>84</sup> Bacchi, 'Managing Equity', p 130.

<sup>85</sup> Judy Matthews, 'Women, Fire and Dangerous Things: Managing Diversity in a Chilly Climate' in Anne Marée Payne & Lyn Shoemark (eds), *Women Culture and Universities: A Chilly Climate?* National Conference on the Effect of Organisation Culture on Women in Universities, UTS Women's Forum, Sydney, 1995, p 152.

<sup>86</sup> Bacchi, 'Managing Equity', p 127.

<sup>87</sup> Thornton, 'EEO in a Neo-Liberal Climate' 95. Cf Blackmore & Sachs, *Performing and Reforming Leaders*, p 229.

<sup>88</sup> Matthews, 'Women, Fire and Dangerous Things', p 155.

<sup>89</sup> As an illustration, I did a small (unscientific) survey of job advertisements appeared in one issue (5 March 2008) of the *Australian Higher Education*. Of 34 advertisements, nine universities identified themselves as EO employers, three mentioned equity, seven diversity, one mentioned flexible work and subsidised child care, while 13 included the EOWA logo, signifying that they were on the EOWA Employer of Choice for Women list. In the case of eight universities, no mention was made of either EEO or diversity.

<sup>90</sup> Cf Bacchi, 'Managing Equity', p 131. See also notes 53 and 55 above.

In the corporatised university, the primary focus has shifted to students, where equity and diversity are the buzz words. A sprinkling of women and Others enhances the diversity rhetoric. However, the extolling of diversity within the student body is primarily designed to pave the consumer path into university for non-traditional students in accordance with the market ethos. They are all welcome – provided they are prepared to pay.

## Conclusion

I have identified several phases within the brief life of EEO in the modern university, although I do not wish to suggest that there are clear lines of demarcation between them, as they merge into one another. The EEO movement had just begun in universities when it was overtaken by the Dawkins reforms. AA was never a popular term in Australia, but it was a dimension of the official discourse between 1986 and 1999, a 13-year period that represented the life of the AA Act. The impact of changes in the discourse was accentuated by neoliberalism in the workplace, which led to a resiling from EEO<sup>91</sup> and the embrace of diversity. The rapidity of change in nomenclature reflects the fickleness and uncertainty associated with the postmodern university, where everyone must constantly reinvent themselves to survive.

In focusing on the structural changes that have occurred, I do not wish to suggest that women and Others have passively accepted them. Many have resisted, and feminist scholars are still engaged in projects that transcend the simplistic notion of ‘letting in’ a few women, which is the typical bureaucratic response to criticism. However, the neoliberal workplace is highly intolerant of dissent, and autonomy and collegiality, the twin variables of the traditional university, have been significantly curtailed. Similarly, academic freedom has weakened because of government micromanagement and the various internal regimes of surveillance and control.<sup>92</sup> Codes of conduct, for example, are invoked to discipline those who exercise the traditional academic role of critic and conscience of society if they turn their critical gaze towards their own institution. The irrefutable logic of the market is such that dissent cannot be permitted to tarnish the corporate brand name. With the market as driver, the discourses of inequity, inequality and discrimination have become muted, if not ineffable. Blackmore and Sachs draw attention to the paralysing effect of the technologies of performativity on public debate.<sup>93</sup> Critique does not comport with a culture where approval ratings themselves are measured. League tables, both national and global are one such mechanism, which were virtually unheard of a decade ago, but are now regularly invoked to exhort greater productivity.

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<sup>91</sup> A Study by the National Colloquium of Senior Women Executives in Higher Education in 2005 found that of the policies surveyed in 34 Australian universities, 16 (47%) do not include a statement on EEO within their promotions policy or associated guidelines. See Winchester et al, *The Great Barrier Myth*, p 1.

<sup>92</sup> Marginson & Considine, *The Enterprise University*, p 20 ff..

<sup>93</sup> Blackmore & Sachs, *Performing and Reforming Leaders*, p 125.

Neoliberalism has succeeded in depicting equality as a cumbersome and old-fashioned relic of modernity. The everyday reality of work intensification, competition and uncertainty, which includes the need to reinvent the self or face redundancy, has very effectively suppressed the voices of women and Others within the academy so that the discourses of EEO have been rendered passé. The competitive individualism of neoliberalism has little patience with the notions of collective good and redistributive justice unless the collectivity is understood in terms of corporate good. Each individual is expected to forge his or her own pathway in life and be rewarded accordingly; corporations are loathe to take responsibility for what they perceive to be historic wrongs perpetrated against women and Others.

Feminists themselves, however, are also ambivalent about EEO, for it may be equated with assimilation to a masculinist standard. As a corollary, it may construct women as marginal or lacking.<sup>94</sup> Hence, the language of diversity may hold a seductive appeal for feminists as well as managers, as it does not have the same overtones of disadvantage denoted by *in*-equality.

Just as the victors get to write the history of wars from their own perspective because they have the power to do so, we see how governments and corporations, including universities, have been able to exercise their power to delimit understandings of EEO, invent new discourses and deploy perfectly good concepts like diversity to their own ends. However, Foucault's insight that power is not static but constantly circulates gives us hope, for it means that it is always possible for a new amphitheatre of combat to emerge, with a new language that cannot be ignored.

The contemporary university is beset with contradictions. Its fickleness, fluidity and sensitivity to contemporary moods within a global context suggest that it has become postmodern. At the same time, the university is a paradigmatic modernist institution in that it encapsulates reason and good order, as well as being committed to the preservation and transmission of known knowledge. However, the university also contains a pre-modern element in the way that it adheres to the benchmark masculinity that remains at its core.

Despite its present ambiguous status, the university continues to be a significant institution within a democratic society, which necessitates that the voices of women and Others should be heard. They are entitled to be represented as creators of knowledge and academic leaders. The social liberal project that sought equitable representation but was frustrated by the neoliberal turn needs to be revived. Relying on the tired gender refrain, 'it's just a matter of time', or what is also known as the 'moving cohort' thesis,<sup>95</sup> in the expectation that the number of women students will eventually right the skewed gender profile within universities is a pious hope that merely serves to reify the status quo.

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<sup>94</sup> Kay Ferres, 'Tactical Responses: Equity from the Bottom Up' in Anne Marée Payne & Lyn Shoemark (eds), *Women Culture and Universities: A Chilly Climate?* National Conference on the Effect of Organisation Culture on Women in Universities, UTS Women's Forum, Sydney, 1995.

<sup>95</sup> Equal Opportunity for Women in the Workplace Agency (Commonwealth of Australia), *EOWA Industry Verticals: Education*, EOWA, North Sydney, 2005, p 31.

EEO is not just about ‘letting in’ more women to universities, although the statistical data reveals the low representation of women, particularly within the higher echelons.<sup>96</sup> It is a discourse and an epistemology that challenges the dominance of benchmark masculinity. For this reason, it had to go. Excision was supported by the coincidence of corporatisation, because the technologies of audit within the performative university insidiously operate to induce homogeneity and quell dissent. The discourse of diversity has effectively reified these technologies by further neutralising and depoliticising benchmark masculinity in order to deflect attention from the play of power beneath the surface.

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<sup>96</sup> See statistics prepared by QUT Equity Section and based on DEST data, *Selected Inter-Institutional Gender Equity Statistics*, November 2007. The under-representation of women in higher education remains a global phenomenon. See Currie et al, *Gendered Universities*, p 35.

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