The evisceration of equal employment opportunity in higher education

Margaret Thornton

Australian National University

With particular regard to gender, this paper considers the rise and fall of EEO in Australian universities over the last 30 years. The paper argues that EEO, a product of social liberalism, had barely been introduced before it became a casualty of the Dawkins reforms and the transformation of the university. Corporatisation resulted in top-down managerialism and the production of academics as neoliberal subjects. Within this context, identity politics either moved to the periphery or disappeared altogether, so far as staff were concerned. The discourse of equality was quickly displaced by new discourses, such as that of diversity, which better suited the market metanarrative. The market has also induced a shift away from staff to students, inviting the question as to whether EEO is now passé.

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 is captive to 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 *employ-ment* 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. The jettisoning of equality 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. While the *Racial Discrimination Act 1975* (Cth) was an initiative of the Whitlam Government, its companion legislation, the *Sex Discrimination Act 1984* (Cth) (SDA), was delayed as it was more contentious.

Like other public institutions, universities had long been the preserve of 'Benchmark Men', who tend to be 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. While the normativity of masculinity persists (Currie, Thiele & Harris 2002; Deem 2003; Blackmore & Sachs 2007), the overtly gendered character of the academy 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, whereas 100 per cent of the support staff was female (Sawer 1984, pp. 58-61).

Women who were brave enough to embark upon an academic career at an Australian university had difficulty in securing a foot in the door (e.g. Cowlishaw 2007, p. 15), 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 masculine endeavours (e.g. Cass et al. 1983, pp. 73–77). Women were expected to accept permanent assignation to the proletarian base of both the academic and administrative pyramids by virtue of their sex. For example, the women who dominated the general staff positions were frequently either treated as invisible or infantilised as 'the girls in the office' (e.g. Wilson and Byrne 1987, p. 32).

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, followed by New South Wales and Victoria in 1977. The presumption of formal equality between all persons within liberal legalism nevertheless places a heavy onus on an individual who alleges discrimination on the part of 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 organisation's 'brand name'. 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 an institutional source of embarrassment. In addition to monographs such as: *Why So Few?* (Cass et al. 1983), 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 (Sawer 1984, pp. 6-16; Poiner & Burke 1988). 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 (Eyland, Elder & Noesjirwan 1983). 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 (p. 48). 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 Equal Employment Opportunity Officer (p. 164). However, the latter term appears to have been used in practice, as the primary focus was directed towards staff experience.

Paralleling these institutional initiatives were halting moves at the legislative level. The *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, which similarly required plans and annual reports.

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 clumsily entitled *Affirmative Action (Equal Opportunity for Women) in the Workplace Act 1986* (AA Act), which had been deemed too contentious to include in the SDA (Magarey 2004). The Act covered private sector corporations with more than 100 employees, as well as universities. Unlike the New South Wales legislation, the AA Act 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 individual 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 EO 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 recommendations in accordance with a broad remit from university council and/or the VC (Wills 1985, 1986, 1988).

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 (Tyler 2007 p. 186). If discrimination and sexual harassment complaints were handled by the EO Officer, this 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. They were happy to endorse the rhetoric of EEO, if not the substance.

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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 to a user-pays system. Thus, instead of being primarily 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 to the control of the large multi-campus institutions that emerged from amalgamations. Similarly, a new style of VC, akin to the CEO of a private corporation began to appear, 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 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.

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 (e.g. Clark et al 1996; Currie et al 2002, p. 157; Thornton 2004a; Lessard 2007). It is therefore hard to disagree with Jill Blackmore (1992, p. 75) that restructuring itself had become a form of backlash. 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 (1995) in the early life of a new university is exemplary. The EEO coordinators felt that amalgamation had caused EEO to slip off the agenda and they were left with no reporting process. Senior managers felt that amalgamation exerted little effect on EEO, a perception the authors believed arose from its low status. However, the ignorance of women's collective experience of discrimination displayed by men is a well known phenomenon. Feenan (2007, p. 517) refers to this as an epistemology of ignorance. This ignorance, or denial of the problem, is underscored by a tokenistic nod in the direction of EO so that the mere existence of an EO unit, even if inactive, is deemed to satisfy the compliance prescripts.

Minimal compliance with form became the order of the day everywhere, a scenario in which procedural requirements are adhered to but there is otherwise virtually no institutional commitment (see also Fletcher 2007). If women are ‘unsuccessful’, it is because of their inefficient ‘life choices’, such as having children, a justification that is the essence of rational choice theory (Hakim 2004). The individualisation of each issue, as occurs with sex discrimination complaints, 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 (Connell 1987; Thornton 1989; Bagilhole 2002; Currie et al. 2002, p.171).

Nevertheless, despite the hostile environment, the proportion of female academics had increased significantly by the mid-1990s (Castleman et al. 1995). This was due largely to the preponderance of women employed as teaching staff in the former CAEs, not because of the persuasiveness of the gender analyses contained in the university reports of the 1980s. While numerosity does not necessarily effect change (Chesterman 2005, p. 263), the focus on numbers of women encouraged detractors to aver that EO units were passé, although the undervaluation of women and feminist scholarship remained a cultural constant (Morley 2005).

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 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 (Walby 2005), corporatisation suggests a less altruistic and more ambiguous agenda (Bacchi 2001). Mainstreaming also 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 AA Act 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' (Blackmore 2002, p. 10).

(ii) The corporatised university

The Dawkins reforms were one manifestation of the swing in favour of neoliberalism that 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 (2005, p. 39) 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. 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* (2005, p. 40). This opportunity maximiser is at the centre of the audit cul-

ture (Power 1997), 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' (1984, p. 11). 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, I suggest, has become 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.

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' and 'world class'. 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' (2007, p. 234). 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 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 (Fudge & Owens 2006). The demands of efficiency and productivity in the workplace have silenced the discourse of equity, 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 (cf Lessard 2007, p. 187).

The evidence in respect of individual workplace contracts suggests conclusively that women generally do less well than men in an enterprise-based bargaining system (Peetz 2007). The rhetoric surrounding 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 (Summers 2003, p. 21). 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 (Morley 2005; Blackmore & Sachs 2007). A harsh, depersonalised and top-down style, conventionally thought of in masculinist terms, is favoured within the corporatised university over one that is consultative and collegial, which many women leaders would prefer (Deem 2003; Kloot 2004). The reality is that the new managerialism allows very little space for any deviation from the norm of benchmark masculinity. A line manager, by definition, is subject to those further up the line, a relationship that may legitimate corrosive leadership (bullying) (Thornton 2004b). 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 (Cabal 1993; Blackmore 2002, p. 9), many of whom are paid significantly more than academic staff (Dobson 2008, p. 44). The task of these new managers is to keep unruly academics in check and promote performativity and productivity. The fact that a small but significant number of women have moved into management, albeit usually at the less senior level, led Belinda Probert to muse as to whether this reflected the declining attractiveness of positions in university administration (2005, p. 51). There is also some evidence that women leaders are more likely to find themselves in risky or precarious positions (Ryan & Haslam 2005). 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 (Hall & Sandler 1982, 1984; Sandler 1986; The Chilly Collective 1995; Payne & Shoemark 1995).

We see the two movements – neoliberalism and EO

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– 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. By 2006, overseas students constituted 25.5 per cent of all Australian higher education students (DEST). 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 (c.f. Deem & Morley 2006).

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, which has included disbanding women's studies courses. The postmodern attack on the category woman and the transformation of the university was a fortuitous coincidence for the detractors of EEO in the academy. The effect has been not just destabilising but lethal.

(iii) Student/consumers

The commitment to EEO has continued to appear spasmodically in policy documents on websites and in advertisements, but access and equity for students has taken precedence (cf Deem & Morley 2006). 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 subjects 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. Students had to be actively recruited and their differences accommodated. They could no longer be treated as homogeneous.

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 and

reasonable accommodation. In 2006, women constituted approximately 55 per cent of the student population. 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 the humanities and social sciences, or even abolish their humanities faculty altogether, as proposed by the Queensland University of Technology. Class has made a cautious reappearance once more through 'students of low socio-economic background'.

The conceptualisation of higher education as an industry (generating $12.5 billion in export revenue in 2007), rather than a public good, has totally disrupted the traditional idea of the university (Newman 1976). 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 (Readings 1996) – but such values have now been replaced with a quite different set associated with the market and economic good in accordance with the neoliberal political philosophy. 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 what entrepreneurial activities they pursue, they are, paradoxically, subject to intense micro-management by government (Marginson & Considine 2000, p. 20 ff), underscoring the way government and the market are now thoroughly imbricated. Monetary incentives offered on a competitive basis include equity and access initiatives for students, but not EEO for staff. The dominant political discourse of de-regulation is selectively adduced but it is cleverly obscured by the language of choice and diversity.

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3. The jettisoning of equality discourses

(i)   Affirmative Action (AA)

As EO units began to disappear from university campuses in the 1990s, discourses advocating equality and equity also fell into disfavour. The excision of the phrase AA from the AA Act in 1999 is a notable example. As already mentioned, the AA Act 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' (Bacchi 1996, p. 31). The pejorative imputation, slyly attacking women, implied that AA offended liberal legalism's norm of strict equal treatment by making appointments on the basis of biology rather than merit.

AA acquired negative overtones in Australia as a result of the influence of North American anti-AA discourse, which averred that it entailed the mandatory employment of quotas of unmeritorious Afro-Americans and women. As suggested, the AA Act was an extraordinarily weak piece of legislation. While it 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 (Strachan & Burgess 2000). The only sanction was naming a non-compliant organisation in the annual report tabled in Parliament, a sanction about which some employers were scornful (p. 48). 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 that it was efficient and rational, and 'good for business' (Game 1984).

The business lobby was not convinced, however, and the AA Act was repealed and replaced with the *Equal Opportunity for Women in the Workplace Act 1999* (Cth). The replacement legislation was roughly the same as its predecessor but weaker (Thornton 2006). 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 (EOWA). Inclusion on the Employer of Choice for Women list ensures a report-free period. The criteria are not onerous and twenty three universities were on the list in 2008 (EOWA). 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 to the community that a regime of strict equal treatment was now to prevail. Employers were not to be burdened with equity obligations in a neo-liberal climate where the focus was on productivity, performativity and profits.

(ii) From Equal Opportunity to diversity

As inequality became the norm in a competitive, market-oriented world, equality and its various incarnations, including equality of opportunity, also began to be treated as passé (Summers 2003). Equality no longer comports with the values of the market, but is depicted as cumbrous 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. As it became fashionable for conservatives to dissociate themselves from historic wrongs, it is unsurprising that 'diversity', a term ostensibly lacking any obvious antonym or abrasive underside, was fervently embraced (Bacchi 2000; Thornton 2001; Blackmore 2006).

Diversity is an all-encompassing term applied not just to staff, but to students, courses and universities themselves. It is described as the 'new buzz word' in higher education discourse (Eccleston 2008). Its emergence has effectively papered over the need to attain gender equity which, unsurprisingly, remains elusive (Winchester et al 2005, p. 1). 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 (Thornton 1985, 1989).

Maxine Lacey (2007) has shown how intransigent the phenomenon of homosociality is as the most recent incarnation requires university appointees to be the 'right fit'. 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 prevailing 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 (cf Blackmore & Sachs 2007, p. 162).

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 (e.g. Jayasuriya 2007). 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 (1984) refers to as 'commatisation', a device through which women disappear within a list of outsider groups: race comma gays comma gender comma class. An example from a contemporary website extolling diversity makes the point even more sharply as the history of oppression disappears altogether:

> 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 *(About com)*.

Commatisation allows job titles, competency, training and personal habits to be treated as though such variables possessed comparable significance to those of race, gender and homophobia in terms of the history of exclusion. Diversity displays a similar ability to trivialise oppression and slough off any notion of past wrongs or structural disadvantage, thereby exonerating contemporary employers.

The discourse of diversity conveniently occludes the history of *in*equality and *in*equity 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 (cf Bacchi 2000). The anodyne term 'diversity' papers over the abrasive and negative undertones of

inequality. Diversity 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' (Bacchi 2000; Thornton 2001). 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. 'Diversity' has also made an appearance in course names. For example, titles such as Sexuality, Gender and Diversity, have commonly replaced women's studies, which may contribute to the silencing of both women and the feminine, a phenomenon that is now widespread within universities (Bailyn 2003, p. 149).

The discourses of 'diversity', 'managing diversity' and even 'productive diversity' (Cope and Kalantzis 1997) 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 anything but 'let in' a few women and Others as evidence of their liberality (Bacchi 2000, p.67). 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' (Bacchi 2001, p. 130).

'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' (Matthews 1995, p. 152), as well as to reduce their power (Bacchi 2001, p. 127). 'Managing diversity' also insidiously deflects attention away from just who is doing the managing (Thornton 2001, p. 95; Blackmore & Sachs 2007, p. 229). To work in the interests of employees, managing diversity has to have the commitment of those at the top of the organisation (Matthews 1995, p. 155). 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 unaided. It is therefore unsurprising that diversity is now supplanting EEO in job advertisements, prospectuses and web sites. Knowledge of EEO may still be included as a criterion for appointment, but tends to be treated perfunctorily by selection committees or ignored altogether.

Instead of diversity and difference, it is homogeneity on the part of staff that is now sought by universities to teach the substantial numbers of students, particularly those who are high fee-paying international students (cf Bacchi 2001, p. 131). Docile and pliable, these staff will obey managerial edicts exhorting standardisation, particularly if they are casual or on contract, as is increasingly the case. A sprinkling of women and Others enhances the liberal ring of the diversity rhetoric while simultaneously operating within the McDonaldised mould and complying with performative and auditing templates.

In the corporatised university, the primary focus has shifted to students, where equity and diversity are the buzz words. Extolling 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 in the brief life of EEO in the modern university. The EEO movement had just begun in universities when it was overtaken by the Dawkins reforms. AA was never a popular term in Australia, and it was a dimension of the official discourse only for as long as the AA Act lasted, that is, between 1986 and 1999. The impact of changes in the discourse was accentuated by neoliberalism in the workplace, which led to a resiling from EEO 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 (Marginson & Considine 2000, p. 20 ff). 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 & Sachs (2007, p. 125) draw attention to the paralysing effect of the technologies of performativity on public debate. Critique does not comport with a culture in which approval ratings themselves are measured. League tables, both national and global are one such mechanism, or metric, to use the voguish phrase. Virtually unheard of a decade ago, league tables are now regularly invoked to sharpen competition and exhort even greater levels of productivity.

Neoliberalism has succeeded in depicting equality as a cumbrous 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. Neoliberalism is obsessed with competitive individualism, displaying little patience with the notions of collective good and redistributive justice unless the collective is understood in terms of the interests of the corporation.

Feminists are also ambivalent about EEO, for it may be equated with assimilation to a masculinist standard so as to construct women as marginal or lacking (Ferres 1995). Hence, the language of diversity may hold a seductive appeal for feminists, as well as managers, because it does not have the same overtones of disadvantage denoted by in-equality. In this respect, the discourse of diversity has been very effective in galvanising opposition to EEO.

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, such as 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 site of contestation 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, it remains 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. Furthermore, I suggest that it also contains a premodern element in the way that it adheres to the benchmark masculinity that remains at its core.

Although the market has turned the university upside down, it continues to be a significant institution within a democratic society, which necessitates that the voices of women and Others be heard. The social project that sought equitable representation was frustrated by the neoliberal turn. Relying on the tired gender refrain, 'it's just a matter of time', in the expectation that the number of women students will eventually right the skewed gender staffing profile merely serves to reify the status quo.

EEO is not just about 'letting in' more women to universities, although the statistical data reveals the low representation of women staff, particularly within the higher echelons (Queensland University of Technology, Equity Section 2007). It is a discourse and an epistemology that challenges the dominance of benchmark masculinity. For this reason, it had to go. Excision

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was supported by the coincidence of corporatisation, where the technologies of audit 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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