

Thesis abstract

Regulatory responses to addressing and preventing sexual assault and harassment in Australian university settings

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Over the past decade, the Australian university sector and regulatory bodies have implemented a range of actions to improve the management and prevention of sexual assault and sexual harassment in Australian university settings. Despite these concerted efforts, little progress has been made in reducing campus sexual violence or in achieving institutional accountability.

To date, research on campus sexual violence in Australia has focused on the experiences of students and staff (such as prevalence surveys and the impact of sexual violence on educational outcomes) or institutional responses (such as policy frameworks, reporting mechanisms and support services). This dissertation offers a new perspective by taking a system-wide structural approach to consider the entire regulatory community. Through the lens of theories of responsive and smart regulation, this thesis critically examines the regulatory initiatives adopted by various actors during the period 2011–2021. Addressing a gap in the literature, I offer an analysis of how regulatory theory does not adequately explain the vital role of civil society activists in creating momentum and initiating reform in this area.

Drawing on legislative reviews, analysis of primary documents and 24 interviews with representatives drawn from across the regulatory community, the dissertation

reveals how a lack of political will and the absence of even a latent threat of genuine enforceable institutional accountability — a “benign big gun” in responsive regulatory theory — has undermined regulatory efforts across the whole sector. This dissertation also identifies the role that regulatory ritualism has played in stymying systemic change to respond to and prevent sexual violence in the Australian university sector, extending the existing literature by proposing two new applications of regulatory ritualism, language ritualism and announcement ritualism, and providing examples of where this has occurred.

This dissertation argues that substantive progress in tackling sexual assault and sexual harassment in Australian university settings has stalled due to an over-reliance on the self-regulating university sector to lead the reform effort, the failure of enforced self-regulation models led by regulatory agencies, the indifference of governments and sector-wide regulatory ritualism which has seen institutions adopt tokenistic rather than substantive responses. To address these factors and improve institutional accountability, I argue that genuine systemic reform will require political leadership, more robust application of existing legislative and regulatory tools towards effective enforcement,

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and innovative exploration of other legal
and regulatory approaches.

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