



## Addressing Online Sexual Violence: An Opportunity for Partnerships between Law and Education

**Shaheen Shariff** and **Karen Eltis** argue that Canadian universities have a pivotal role to play – alongside the legal and judiciary system – in addressing, preventing, and responding to online forms of sexual violence.

### CONTEXT

Incidents of online sexual violence have proliferated in recent years, especially among young social media users. Victims can face intersecting forms of hate and violent speech including misogyny, homophobia, racism, and/or ableism, as well as threats to safety, stalking, and non-consensual intimate image distribution. Responding to online sexual violence poses unique challenges in both educational and legal/judiciary settings. In addition to being divorced from a specific jurisdiction, online offenses are relatively new and front-line workers may be ill-equipped to respond to disclosures from victims. Victims may also face increased risk of violence – online and off-line – especially in university contexts where they may either know their perpetrators or be unsure of their identity but know they are a part of the university environment. Survivors and other advocates have called for universities to hold perpetrators more accountable, particularly after several highly publicized incidents of online sexual violence on campuses across Canada. Most Canadian universities' sexual violence policies do not even mention online forms of sexual violence, let alone address related disciplinary procedures. Some have suggested that shortcomings in the legal system in this area may be contributing to a lack of action and response on the part of educational institutions.

### OVERVIEW

Shariff and Eltis call for a partnership between law and education to respond to online sexual violence. They highlight the need for the education of frontline workers in university and legal/judiciary domains, as these workers receive reports of sexual violence and shape policy and due process in deciding whether to take complaint further. The authors also recommend a concerted effort by universities to ensure that law students have opportunities to engage in critical legal and media literacy so they are better equipped to address online sexual violence and identify the limits of free expression when they enter the legal profession.

### KEY FINDINGS

- Universities hold legal and social obligations to ensure a learning environment free of violence, discrimination, and fear. This learning environment includes on-campus, off-campus, and online realms.

- Universities, as institutes of learning, also have a pivotal role to play in addressing online sexual violence. They must engage with law students and frontline university administrators to educate them on the nuances of online sexual violence and the limits of free expression
- Universities must support students who are taking action against online hate and sexual violence. Institutions should recognize students as social-media experts and place them at the heart of associated collaborations and policy decisions.
- There is an urgent need to educate members of the legal community with respect to issues surrounding online sexual violence, and specifically the shifting and intersecting social norms that have increased tolerance for misogynistic, racist, sexist, and homophobic jokes, slurs, and online comments, as well as non-consensual intimate image distribution. Universities can inform the training needed in the legal community by providing evidence-based opinions and resources.

### QUESTIONS AND IMPLICATIONS

Legal and educational institutions must acknowledge that sexual violence on social media exists, is serious, and needs to be addressed as part of a broader effort to reduce sexual violence in universities and beyond. More can and must be done for education pertaining to online sexual violence. With COVID-19 driving even more activity (including education) online, there is an urgent need for increased attention to online sexual violence. Drawing on the expertise of student social media users, universities can play an important role in educating frontline workers in both academic and legal/judiciary domains about rapidly evolving nuances of online sexual violence and the limits of free expression.

### AUTHORS

Shaheen Shariff is a James McGill Professor in the Department of Integrated Studies at McGill University. Karen Eltis is a Full Professor in the Faculty of Law at The University of Ottawa.

### FOR MORE INFORMATION

The author and CCLISAR welcome enquiries about this research.

#### Shaheen Shariff

[shaheen.shariff@mcgill.ca](mailto:shaheen.shariff@mcgill.ca)

#### Karen Eltis

[Karen.Eltis@uOttawa.ca](mailto:Karen.Eltis@uOttawa.ca)

#### Elaine Craig

CCLISAR Research Director  
[Elaine.Craig@dal.ca](mailto:Elaine.Craig@dal.ca)

Shariff, S., & Eltis, K. (2017). Addressing Online Sexual Violence: An Opportunity for Partnerships between Law and Education. [Special Issue]: iMPACTS: Responding to Legal and Educational Dilemmas in Addressing Sexual Violence in Universities. *Education & Law Journal*, 27 (1), 99-117.

### ABOUT CCLISAR

The Canadian Centre for Legal Innovation in Sexual Assault Response (CCLISAR) is a non-profit, non-partisan organization working to realize law's potential to respond to sexualized violence. [www.cclisar.ca](http://www.cclisar.ca)