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SEXUAL ASSAULT IN THE METAVERSE: CAVEAT UNIVERSITATES ("UNIVERSITIES BEWARE")

*Divya Singh, South Africa*⁵⁰⁵

41.1 Introduction

The term *metaverse* was first used by science fiction author, Neal Stephenson, in 1992 in his novel *Snow Crash*. In the story Stephenson describes a world in which people use digital avatars of themselves to move back and forth between their dystopian reality and a virtual world called the Metaverse.

The term “meta” derives from the Greek prefix meaning “after” or “beyond” and “when combined with English words, meta often indicates

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change or *alteration*.⁵⁰⁶ Looking at its use in information technology, MetaMandrill describes the metaverse as a complex collaboration between the physical and digital worlds, enabled through the application of different technologies and programmes. According to MetaMandrill, it is a persistent living universe that is never turned off and exists in parallel and concurrently with the physical one. Unlike the bounded nature of the physical world, the metaverse is inherently boundless in nature - people enter the metaverse through various means such as virtual reality, augmented reality, headsets, HoloLens's, game consoles, and even apps.⁵⁰⁷

Simplifying the concept for the ordinary reader, Glowiak describes the metaverse as a computer-generated platform in which users may interact with one another in a virtual environment using avatars that are fantasized and/or ideal versions of themselves.⁵⁰⁸ Glowiak states:

“The Metaverse is a highly immersive environment in which one is engaged in substantial stimuli. Here the brain functions at high capacity. Most everything is seemingly within reach, which is appealing. Many times, this is immediately accessible. This combination stimulates the pleasure/reward pathway, which positively reinforces engagement.”⁵⁰⁹

Or even more succinctly, Mark Zuckerberg on the metaverse experience is widely quoted as saying: *You're in the experience*.

When used properly, engagement in the metaverse can be empowering. As described in the available literature and research, the metaverse enhances feelings of connection and connectedness, creating spaces with the building blocks that eliminate barriers of spatial distance and en-

⁵⁰⁶ <https://www.dictionary.com>.

⁵⁰⁷ Metaverse Meaning; Different Ways of Defining the Metaverse. Metamandrill.com, Blog post, <https://metamandrill.com/metaverse-meaning/>

⁵⁰⁸ Glowiak, M. 2022. Mental Health in the Metaverse Will Be Like IRL [Note of the Editor: in real life] With Dr. Matt Glowiak, Venteur, Blog post, <https://www.venteurmag.com/articles/metaverse-mental-health-matt-glowiak>, 2.

⁵⁰⁹ *Ibid*, 9.

hance the opportunities of equalness and for equality by users. Overall, there is a remarkable sense of being part of something bigger and better. However, there is also an unfortunate negative side to the metaverse. According to Shafir, some people may be more vulnerable to the pull of the metaverse than others. For them, it is virtual reality that might easily become “more real than real life”.⁵¹⁰ Research is already showing how the metaverse has the potential – even greater than the regular online environment – to facilitate and enable bullying and harassment of users. Glowiak cautions that social bullies will often create fake avatars for the specific purpose of trolling others, and when blocked or reported, they simply create a new avatar and continue with their anti-social behaviour.⁵¹¹

41.2 Method

This paper adopts *a library research methodology*, as described by Fitria *et al.*⁵¹² The researcher engaged with source material already available in the libraries (secondary sources) and studied the information through a process of collection, analytical reading, and assimilation of the data. The subject content unique to this paper was studied through the available literature and key issues related to the topic were synthesized and highlighted to support the key constructs.

The new knowledge recommendations and proposals for higher education institutions and universities to understand and mitigate the concomitant risks of sexual assault and harassment amongst the vulnerable

⁵¹⁰ Shafir, H. 2023. The Metaverse's Mental Health Implications Are Still Unclear with Hailey Shafir, *Venteur*, <https://www.venteurmag.com/articles/metaverse-mental-health-hailey-shafir>, 7.

⁵¹¹ Glowiak, M. See Note 3, p. 7

⁵¹² Fitria, T.N., Simbolon, N.E. and Afdaleni. 2022. Possibility of Metaverse in education: Opportunity and threat. 1(3). *Jurnal Ilmu Sosial dan Humaniora*. 365-375.

student population draw parallels from and are undergirded by the information derived from the secondary source information.

42.3 Discussion

In recent years there has been considerable research conducted on and reported about the negative effects of social media and the scourge of online bullying and harassment in all forms. There is much less researched data about the metaverse but anecdotal and popular press literature is already showing similar trends. The Centre for Countering Digital Hate (U.S.A.) has reported on regular cases of minors being exposed to graphic sexual content and other forms of harassment on VR platforms. Discussing the problem Huddleston emphasises that these identified concerns of bullying and harassment in the online space are often even worse in the metaverse because the level of immersion that occurs with virtual reality could easily exacerbate what we are currently seeing with abuse of social media.⁵¹³ There's a potency about being immersed in the VR world that is different from merely observing and interacting through a flat screen monitor, warns Huddleston.⁵¹⁴

In one of the several reported cases of sexual assault in the metaverse, Nina Jane Patel describes how a group of male avatars sexually touched and groped her avatar without her consent. Patel describes it as a “horrible experience” and a “surreal nightmare”.

In 2016 a gamer, Jordan Belamire described her experience of her avatar being sexually assaulted on a virtual platform, with both her brother-in-law and husband watching. According to Belamire, her appeal to the perpetrator to *Stop!* appeared only to goad him on.

⁵¹³ Huddleston, T. 2022. This is creating more loneliness’: The metaverse could be a serious problem for kids, experts say, CNBC Make It, <https://www.cnbc.com/2022/01/31/psychologists-metaverse-could-be-a-problem-for-kids-mental-health.html>, 1

⁵¹⁴ *Ibid*, 2.

The *Economic Times Tech*, India reported on a young woman who sought recourse for the violation of her avatar on a virtual reality platform. However, noted the report, the criminal and judicial systems in India - and, in fact, probably the world over - “are still not ready to handle the challenges thrown up by the Metaverse.”⁵¹⁵ According to Duggal (quoted in the report) the main problem arises because legal systems simply do not yet recognize (digital) avatars. Further, given the global nature of the metaverse, legal jurisdiction often creates a challenge for many victims. Thirdly, the anonymization of avatars makes identification of the person behind the perpetrator avatar a material constraint in the current milieu with tech companies being quite reticent about revealing user identities. There is also a strong school of thought that for the success of any criminal litigation, the injured party will be required to prove a clear connection to the avatar that was harmed in the virtual world,⁵¹⁶ but the definition and standards of “connection” in this regard remain to be deliberated and debated.

Given the nascence of the metaverse discussions on agreed shared legal principles and norms, regulatory rules are still rather immature and given the complexity of the considerations, it is likely to remain so for a significant time. However, as the metaverse gains impetus and traction, experts agree that there must be a legal framework to regulate standards of due diligence and legality in virtual reality. The critical discussion will centre on who will be the owner of the laws, where will sovereignty vest, and who have the adjudicating power given the breadth and unbounded nature of the platforms.

Another key question to be answered is whether the society and the legal experts are ready to recognize that existing real-world laws may be used to adjudicate a dispute originating in the virtual space. The one

⁵¹⁵ Priyanka Sangani, Metaverse crimes challenging, say legal experts, ETtech, June 25 2022, <https://economictimes.indiatimes.com/tech/technology/metaverse-crimes-challenging-say-legal-experts/articleshow/92443208.cms?from=mdr>, 2.

⁵¹⁶ Ibid, 3.

view is that an act performed in the virtual world is not a real one, does no harm in the real world, and its damage cannot go beyond the boundaries of the virtual world⁵¹⁷ because, of course, it is a game and anyone who feels uncomfortable can easily log off and leave the metaverse.

Specifically referencing the Belamire incident, Basu notes that many responses to Belamire’s experience were dismissive, abusive, and even misogynistic.⁵¹⁸ The much-repeated debate was whether what she experienced was groping if her body was not *actually* touched. Based on current legal definitions (pre-dating the tsunami of technology, it must be said), the groping definition may not be legally founded because the law has failed to keep up with technology. So, rather than trying to apply laws that we know are not aligned with the technological advancements, the bigger questions should be (a) whether there was a sexual attack on Belamire? and (b) what was her lived experience of the incident?

Returning to the point of “physical engagement”, Huddleston vehemently disagrees with the proposition that a person who is virtually sexually attacked is not assaulted expressly pointing out that “Once you’re actually embodied in a space, even though you can’t be physically touched, we can be exposed to things that take on a level of realism that could be psychologically assaulting.”⁵¹⁹ Explaining the emotional and psychological complexity, Petkova *et al* point to the fact that the realism that accompanies VR experiences readily translates to the same fear experienced emotionally, psychologically, and physiologically when

⁵¹⁷ Aditya S Nair. 2022. The Metaverse And Legal Frameworks Surrounding It, IP & Legal Filings, <https://www.ipandlegalfilings.com/the-metaverse-and-legal-frameworks-surrounding-it/> p.4.

⁵¹⁸ Basu, Tanya. 2021. The metaverse has a groping problem already, MIT Technology Review, <https://www.technologyreview.com/2021/12/16/1042516/the-metaverse-has-a-groping-problem>, 3.

⁵¹⁹ Huddleston, T. *op. cit.*, at 2.

individuals are targeted or threatened.⁵²⁰ The intrinsic nature and character of VR is that it is designed to trick the user into believing that s/he is physically in the space. Analyzing incidents of sexual abuse and harassment on the metaverse, Hoover enjoins a thorough consideration of the fundamental purpose of virtual reality which is after all to dissolve “the gap between the physical and digital selves”. All descriptions of VR emphasize the immersive nature of the experience that heightens the realism and emotional connection.⁵²¹ Thus, when users experience digital sexual harassment, it does not end when the game is over or the glasses removed – in many cases, there is often a more lasting sense of violation and degradation as if the assault took place in actual physical reality.

Recent research also points to the potential for the trauma to be aggravated by the increasing use of haptic technologies that is, technology that mimics the sensory effects of touch making it even more like a physical experience. A woman researcher from advocacy organization SumOfUs described how she could sense the unwanted touch and grope of her attackers through the VR controllers. Even though everything was happening virtually, “when a user is touched by another, the hand controllers vibrate “creating a very disorienting and even disturbing physical experience during a virtual assault,” she said.⁵²²

“The panoramic view, audio and even touch stimulation provided by the VR headsets and handheld controls create a multisensory experience,

⁵²⁰ Petkova, V.I., Khoshnevis, M., & Ehrsson, H.H. 2011. The perspective matters! Multisensory integration in ego-centric reference frames determines full-body ownership. *Frontiers in Psychology*, 2, p. 35.

⁵²¹ Hoover, Amanda, 2022. The metaverse has a sexual harassment problem and it's going to get worse, *Morning Brew*, <https://www.morningbrew.com/daily/stories/2022/06/14/metaverse-has-a-harassment-problem>, at 2.

⁵²² Krishnasai, C. 2022. 21-year-old woman virtually raped, harassed in metaverse: Report, *Wion*, <https://www.wionews.com/world/21-year-old-woman-virtually-raped-harassed-in-metaverse-report-483043>, at 2.

blurring the separation between the virtual and the physical.”⁵²³ Succinctly summarizing the arguments, Wiederhold writes:

“In fact, negative experiences in VR may impact victims more than those that occur on other technology platforms. VR is different from technologies such as social media and email in that it is immersive. When a user enters a virtual environment, the virtual environment becomes their world, their avatar becomes their body. Because of this, if someone is sexually assaulted in such an environment, the trauma can easily move to the real world. ... [T]hose who experience virtual sexual assault will most likely experience ... the same fight or flight responses that they would have if the incident had happened in the real world. As a result, negative virtual experiences can impact people psychologically, physically, and socially, even when offline. It is not easy to simply take the headset off and forget the experience.”⁵²⁴

Active VR users agree overwhelmingly that the immersive VR experience feels real, “even when we tell ourselves it isn’t. Our bodies respond as if it is real, and we feel the emotional and physical consequences.”⁵²⁵ In a further study amongst stakeholders at four Canadian Universities ($n = 1733$), albeit responding to questions on cyberbullying (the “Canadian Study”) there was a significant disagreement amongst

⁵²³ Trang Le. 2022. Sexual assault in the metaverse is part of a bigger problem that technology alone won’t solve, *Lens*, Monash University, <https://lens.monash.edu/@politics-society/2022/07/22/1384871/sexual-assault-in-the-metaverse-theres-nothing-virtual-about-it>, at 2.

⁵²⁴ Wiederhold, Brenda K. Sexual Harassment in the Metaverse. *Cyberpsychology, Behavior, and Social Networking*. Aug 2022, 479-480. <http://doi.org/10.1089/cyber.2022.29253.editorial>.

⁵²⁵ Lorelle VanFossen. 2022. Educators in VR Cyberbullying Team State of the Metaverse, *Educators in VR*, <https://educatorsinvr.com/2022/03/05/educators-in-vr-cyberbullying-team-state-of-the-metaverse>, at 9.

both male and female respondents with the statement: *Cyberbullying cannot hurt you; it's just words in virtual space.*⁵²⁶

Considering the emerging evidence, and the deeper psychological consequences because of the “immersion” and “presence” of virtual reality (when compared with the ‘flatter’ engagement of online cyberbullying), sexual harassment and assault in the metaverse simply cannot be brushed aside and ignored. Of course, the answer is never simple and added factors such as the relationship between the user and his/her digital avatar, especially the closeness of identification with the avatar will be factors for constructive consideration before a finding is made.

Glowiak draws specific attention to the mind and psychology of users when engaged in the online and VR environments pointing out that the ability to walk away at any time from the interaction may result in users sometimes underestimating the harmful effects of their behaviour. He notes:

“If all someone sees is a computer-generated avatar with written text or a voice that is not that of the other, it is easy to minimize another’s experience.”⁵²⁷

While this neither exonerates nor excuses a perpetrator who engages in inappropriate behaviour of a sexual nature in the metaverse, this awareness and understanding of “lowered self-awareness” as described by McKenna and Bargh⁵²⁸, should serve as a caution to institutions that exposure to VR platforms could result in an increase in cases of sexual

⁵²⁶ Faucher, Chantal, Margaret Jackson, Wanda Cassidy, “Cyberbullying among University Students: Gendered Experiences, Impacts, and Perspectives”, *Education Research International*, vol. 2014, article ID 698545, 10p. 2014. <https://doi.org/10.1155/2014/698545C>, at 8.

⁵²⁷ Glowiak, M. See above, at 10.

⁵²⁸ McKenna, K.Y.A. and Bargh, J.A. 2000. Plan 9 from cyberspace: The implications of the internet for personality and social psychology. *Personality and Social Psychology Review*. 4(1). 57-75.

harassment and abuse between students that would not otherwise happen.

Further, research corroborates the opinion that instances of online sexual aggression and harassment may be increased and empowered by the anonymity that the online space provides. “People often feel emboldened to act inappropriately when they will not be identified or face consequences for their actions.”⁵²⁹ Donat *et al* describe this as the online disinhibition effect where people do and say things that they would not otherwise do and say in face-to-face interactions.⁵³⁰ Anonymity also appears to stimulate lower self-awareness and a lowering of consequence consideration. Furthermore, the power imbalance that often characterizes bullying is much more moderated in the metaverse where a user can model his/her personality and physical attributes to suit any image – the bullied can thus quite easily re-configure themselves as the bully, presenting with both the physical and behavioural attributes, in the metaverse.

Experts agree that the introduction of specific purpose-oriented safeguards, platform monitoring, and more effective moderator deployment initiatives are necessary to reduce the incidents of harassment in the metaverse. In response to the incidents of harassment and sexual ‘assault’ on its platforms. Microsoft developed the *Space Bubble* which allows avatars only within a foot of each other before their hands and body disappear. Meta also introduced *Personal Boundary* which halts any forward movement of another user’s avatar within a four-foot radius. Additionally, Meta has a *Safe Zone* which can be activated by users at any time preventing any other user from touching them, talking to them, or interacting with them until the Safe Zone hold is lifted. In response to the Jordan Belamire incident, *Quivr* introduced an in-game fix that al-

⁵²⁹ Wiederhold, B.K. op. cit., at 1.

⁵³⁰ Donat, M., Willisch, A. and Wolgast, A. 2022. Cyber-bullying among university students: Concurrent relations to belief in a just world and to empathy. June. *Current Psychology*. np.

lowed any avatar to make a V gesture, which would automatically push offenders away.

However, notwithstanding the best intentions of the developers, there is an equally strong sentiment amongst researchers that it is impossible to fully enforce these systems and police the virtual space to the extent that the risk is eliminated. Also, we must be conscious not to make the mistake of acting as armchair critics and forget the human emotional factor in the victim's response. It is critical, thus, to acknowledge that it can never be the user's fault for not engaging the security tools. As Nina Jane Patel stated, "[It] happened so fast and before I could even think about putting the safety barrier in place. I froze." Interestingly, Patel also debunks the myth that digital natives will be competent to deal with personal space invasions and uncomfortable engagements in the metaverse. Patel - the victim of the digital rape - was, at the time of the occurrence, herself the vice president of research at another metaverse company.

Of much concern is the fact that there is no clear agreement as to who is responsible for ensuring the safety of online spaces. Is it the tech companies? But many tech companies appear to transfer the onus of safety on the user, providing safety tools and options but not the further wherewithal to moderate their VR platforms. This then begs the question whether a user (for example, a student) who is specifically directed to a platform by a person in authority (for example, the university) may hold the authority responsible for ensuring his/her safety in the VR space?

42.4 Conclusion

The metaverse is no longer a dystopian reality - the first certainty is that it is here to stay, the second is that it is going to keep coming, and the third is that it will continue to build and evolve and present new challenges. The Gartner research study (February 2022) predicts that by

2026 approximately “twenty five percent of people would spend at least one hour per day on the Metaverse”.⁵³¹

Further, the notion of criminal consequences for conduct in the virtual world is not as far-fetched as it may seem. Nair cites two cases where virtual theft had real world consequences: the first case (2007) involved a Dutch teenager who was charged with theft arising from the theft of virtual furniture in Habbo, a virtual game; and the second case (2005) was the arrest of a Chinese exchange student by the Japanese police over stealing virtual property in another virtual game, Lineage.⁵³²

Could that then mean that a case such as that of Nina Jane Patel could result in a charge of sexual assault, or harassment? Legal experts do not see the potential for much success because of all the reasons already discussed. Singh makes the point that in Nina Jane Patel’s case, while she saw her assailants’ faces, knew they were men because she could hear their voices, she would never be able to identify them in a lineup.⁵³³

In a university environment, however, where institution, implementation and use of the VR platform is far more circumscribed and curated, it conceivable that the system may be set up to enable the institution to (a) link students and their avatars, and (b) de-anonymise the avatar under specific circumstances. Were this indeed possible, it may then be more imaginable that the person behind an avatar could be held legally responsible for their actions, with both civil and even criminal repercussions.

A second issue which also warrants consideration - and which is the crux of this paper - is whether a student who is a victim of sexual crime on the metaverse platform that is part of the university’s learning man-

⁵³¹ Gartner. 2022. Gartner Predicts 25% of People Will Spend At Least One Hour Per Day in the Metaverse by 2026, op. cit.

⁵³² See Aditya S Nair. 2022. The Metaverse And Legal Frameworks Surrounding It, IP & Legal Filings, op. cit., at 5.

⁵³³ Singh, K. 2022. <https://www.refinery29.com/en-us/>, at 1.

agement system, may have legal recourse against the university if s/he can prove that (a) the university foresaw the possibility of harm; and (b) notwithstanding, continued to expose students to the risk. Part (a) is a question of fact but there is ample evidence in the available literature that as tech becomes ubiquitous and, notes Wiederhold, increasingly immersive, incidents of technology-assisted or technology-facilitated abuse have also become more and more pervasive and common.⁵³⁴

Considering legal liability, Myers and Cowie reflect on the efficacy of pursuing a human right rather than criminal law approach to the incident, specifically highlighting the right to respect of her private life, which includes her psychological integrity.⁵³⁵ Donat *et al* add the notion of justice psychology and specifically her right to interpersonal justice.⁵³⁶

Universities that see their responsibility and acknowledge the risk or, for that matter, any institution that considers introducing the metaverse to users, must take steps to educate itself and its users. And, argues Hoover, it is a facile to be rely on the notion that students can immediately leave the metaverse when the feel uncomfortable,⁵³⁷ because that effectively transfers the onus to the victim to take responsibility for the bad behaviour of others in similar vein to asking, when a woman gets raped, was she wearing a short dress?

It is key that as more users are exposed to the metaverse, there is acknowledgement for the fact that not all students will be digitally literate with equal sophistication of engaging and dealing with the metaverse and virtual reality. All users, even the so-called digital na-

⁵³⁴ Wiederhold, Brenda K. *Sexual Harassment in the Metaverse. Cyberpsychology, Behavior, and Social Networking*, op. cit., at 1.

⁵³⁵ Myers, C-A, and Cowie, H. 2017. *Bullying at university: The social and legal contexts of cyberbullying among university students*. 48(8). 1172-1182.

⁵³⁶ Donat, M., Willisich, A. and Wolgast, op. cit.

⁵³⁷ See Hoover, Amanda, 2022. *The metaverse has a sexual harassment problem and it's going to get worse*, op. cit. at 5.

tives, must be educated and continually updated on ways to protect themselves. The institutional onboarding process prior to the engagement with the VR platform is critical.⁵³⁸ The experience of Nina Jane Patel and particularly her reaction when confronted with the assault is apposite in underscoring the training requirement – while safeguards are in place and students may be digitally literate, users need continuing education and re-education on how to use the self-moderation safety tools, and more importantly, how to use them in an attack situation when fear, shock, or trauma can completely cloud one’s responses.

The CEO of the Centre for Countering Digital Hate (U.K.) also highlights the requirement that virtual reality requires that safety must be built into the platforms from the inception of its development (and not be reactionary) because you can’t do daily searches of the metaverse for sexual abuse and then remove it like with some other online platforms. “You can’t,” he states. “It happens in an instant [and] there’s nothing you can do.”⁵³⁹

There is a strong argument that the primary onus should be on the tech companies to prioritize the safety of their users but while responsibility is being debated, parents, users, universities, businesses, and any entity engaging with the metaverse and implementing platforms needs to be proactive and diligent in enquiring *whether there is a reasonable level of comfort and belief that the specific platform developer has put in place the necessary safeguards and precautions to ensure optimal safety for the users in cyberspace*. However, considering universities specifically, this begs the question whether at this stage in our knowledge of the metaverse, all implementer-roleplayers have the necessary experience and understanding of virtual reality to ask the right question and monitor users’ exposure and the concomitant threats.

In addition to the cases of sexual assault on the metaverse, other concerns of a specifically sexual nature are catfishing (which refers to the

⁵³⁸ In Basu, T. op. cit., at 4.

⁵³⁹ In Huddleston, T. 2022. This is creating more loneliness, op. cit. p.3.

phenomenon of creating and portraying complex fictional identities through online profiles or persona for the purpose of luring another into a fraudulent romantic relationship,⁵⁴⁰ with its allied apprehensions of sextortion. Reflecting on her research into sextortion conducted across the U.S., Hinduja found that 5% of youth had been victimized. What is alarming is that the research covered only social media and messaging apps with no concentration on online-based social engagement platforms, or metaverse environments.

Universities must be equally alive to all these dangers and implement appropriate protective mechanisms to prevent the harms from materializing. “[With] the unique context of the metaverse environments, and the immersive nature of VR technologies, it is possible that an increased number of users will be manipulated or deceived.”⁵⁴¹ This may be exacerbated in the university set-up where the trust relationship between students may be more easily assumed. As suggested by Hinduja, “Once trust is given to someone else without verifying their identity, various kinds of victimization can readily take place.”⁵⁴²

As universities look at enhancing their teaching and learning opportunities in the online environment, presenting digital content that is significantly improved by 3D virtual reality carries with it enthralling potential. It is easy to be tempted by the innovative possibilities of the metaverse with the promise of a learning experience the likes of which have probably not been seen before in most classrooms and institutions. For many academics, virtual reality is the silver bullet for relevant teaching and learning that will ensure that graduates are workplace ready, trained with the appropriate twenty-first century skills, and imbued with the graduate attributes that will produce socially responsible graduates.

⁵⁴⁰ Hinduja, S. nd. *The Metaverse: Opportunities, Risks, and Harms*, <https://cyberbullying.org/metaverse>, p.6

⁵⁴¹ *Ibid*, at 6-7.

⁵⁴² *Ibid*, at 7.

All of this can be productively engaged and holistically assessed using the real-world environment replicated in the metaverse.

On the other hand, universities also owe their students a legal (and moral) duty of care and until issues of metaverse safety have been thoroughly interrogated, investigated and the institution is satisfied that it has done all things reasonable to protect the users, it may be difficult (and some may say wrong), for a university to ethically (certainly) and legally (possibly) lure students there with the promise of stunning futurist experiences.⁵⁴³

The results of the Canadian study were interesting on this point with 44% of the male respondents and 38% of the female respondents being of the belief that *it was not the university's responsibility to stop or prevent online bullying*. Hoover does not disaggregate the findings by stakeholder cohort, and it was therefore not possible to analyze the findings further. Equally disconcerting was the high level of acceptance and tolerance (and some might say cynicism) in the Canadian study that *Cyberbullying is a normal part of the on-line world; it cannot be stopped*. Only 47% of the males and 32% of the females who responded to the survey disagreed with the statement.⁵⁴⁴

Acknowledging that there are no laws dealing with abuse in the metaverse specifically, it is important to recognize that there are existing legal rules and frameworks from which a victim may yet be able to draw, especially when principles of duty of care and equity are engaged. When cyberbullying was identified, no-one said kill the online platforms – similarly, with the metaverse. *However, what universities can do is:*

1. Understand and acknowledge the concerns and problems.

⁵⁴³ See further: Hoover, Amanda, 2022. The metaverse has a sexual harassment problem and it's going to get worse, op. cit. p.6.

⁵⁴⁴ Hoover, *ibid.*, p. 8.

2. Embed and implement proactive security measures on the VR platforms being developed for the institution (or ensure that they are in place if off-the-shelf products are used).
3. Set internal institutional systems, structures, rules, and codes of conduct that will manage and mitigate risks.
4. Ensure that reporting structures are empathetic and progressive, and that tools and processes don't victimize the victim. Introduce student counselling norms that understand the consequences of digital and virtual abuse and harassment.
5. Continually train students on their social and ethical responsibilities and particularly the importance of respect for each other, but also ensure that training is implemented regarding the use of the VR platform and specifically on the safety measures, as well as on the security, if any, in place to identify perpetrators.

So, please don't throw the baby out with the bath water: rather, the appeal is for proper management, governance, and regulation if the potential for risk is created; and informed decision-making by university management, (1) not being swayed by the publicity and hype of the metaverse and virtual reality, and (2) balancing the opportunities with the threats presented. These are key imperatives for universities intent upon guarding against and protecting both themselves and their students from the attendant ethical dilemmas and legal challenges that may present with the introduction of the metaverse and virtual reality.