

Sexual Assault Prevention Guidelines

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Guidelines

These sexual assault prevention guidelines provide a roadmap for franchisors, franchisees, day spas, and massage clinics to: maximize the safety of both clients and therapists; and minimize the risk of sexual assault. Additionally, if you are a massage therapist looking for a job in a massage clinic or spa, or a client looking for the safest spa to go to for a massage, these guidelines will give you the knowledge to help you decide which type of business to work with.

Standards of care in the massage therapy profession, and health care in general, develop and evolve over time. Comprehensive and strong models are then followed by the most ethical and professionally led massage clinics and spas, both large and small. While adhering to standards of practice may not fully eliminate the risk of sexual misconduct, it puts in place safeguards that do greatly reduce the likelihood of sexual assault or inappropriate behavior. It gives the business the tools to weed out therapists with poor boundaries and predatory tendencies. These safeguards include: a rigorous screening and hiring process; thorough orientation and training of new therapists about the culture and values of your business; ongoing supervision of therapists to spot problems before they escalate; and inviting honest feedback from clients through regular email surveys.

To be effective, most of the policies and actions described in these guidelines must be put in place and done authentically—with honesty and sincerity. They should not just be incorporated as lip service to prevent lawsuits, but consciously implemented to protect the clients you serve as well as the therapists you have hired. Often, I've seen policies and procedures that look good on paper, but aren't followed up on by clinics, owners, managers, franchisees, or franchisors. Guidelines and rules are meaningless if they are not enforced.

Once these measures are put into place, the way to avoid harm to your business and its reputation is to document how you've met or exceeded the industry standards. Although it might seem like a lot of work, it is worth investing the time to clearly put in writing all of your policies, procedures, hiring processes, and training. Also, always document your verbal and practical interviews with clear notes, and safely store them in each practitioner's personnel file until a minimum of three years after their employment ends. This will not only protect your business but also your therapists and clientele in the long run. Just one lawsuit can tie you up in court for years. The resulting stress and expense can be incredibly draining physically, emotionally, and financially.

The following is a detailed list of what you can do to adhere to the safest standards of practice in massage therapy. Many of the suggested processes link to additional information or templates for your use. Whether you are a day spa, massage clinic, small or large, franchisee or franchisor, these templates will make it easier for you to do your job and provide the safest, most professional environment.

1 Verbal Interview

A skilled interviewer should ask every massage therapist applicant the same set of interview questions, including some challenging ones, as well as run through 6 or 7 roleplays. Role playing often gives you more information and insight beyond just asking questions. All answers and notes should also be documented and kept in the therapist's file, if hired, until a minimum of three years after their employment ends.

A thorough interview should take between 30 and 60 minutes. Effective interviewing is not easy, but rather a skill that can be learned and will greatly benefit your business. Take detailed notes on the verbal interview so that it is clear why you hired the interviewee or not. Questions should address the applicants understanding of boundaries and communication skills in addition to the standard questions about customer service, modalities they are skilled at, and the number of hours they can work. (See **Verbal Interview** for suggested questions and role plays.)

2 Practical Interview

An experienced, senior massage therapist should conduct the practical interview with each applicant. This means a hands-on demonstration of the prospective therapist's work, with criteria specific to skill, knowledge, and also your business needs and expectations. The interviewer needs to be very knowledgeable about the massage therapy profession, not just whoever is available at the time. They should personally receive a massage as the prospective therapist would give to your clientele. It is imperative that they are well-versed in technique and appropriate client interaction. Ideal interviewer candidates include a previous instructor at a massage therapy school or the lead therapist on staff. As with the verbal interview, notes should be kept in the applicant's permanent file until a minimum of three years after their employment ends.

If the interview is done by the business owner or manager, they should have years of experience within the environment and/or been the recipient of countless massages, giving them good sensing and perceptual skills. Owners and managers should watch a skilled therapist do the practical interviews over at least a period of a year before doing it themselves. If an owner or manager is not familiar with the terms and criteria listed in the attached Practical Interview and are not able to recognize the nuances of the hands-on techniques, they are not the appropriate person to be doing the practical interview. (See **Practical Interview.**)

3 Background Checks

Most states include a criminal background check as part of the licensing process. However, they do not usually include a sex offender check, so it's always safer to do your own background check, especially if it has been 6 months or more since they were licensed. Be sure to include a National Criminal Background check, an Unlimited County Background search, and a search of the National Sex Offender Registry. Crimcheck and other companies provide this service for spas and massage practices, as well as verifying an applicant's massage license, for a reasonable price.

- a. **Licensing:** Check with the appropriate city or state agency to verify that the therapist is licensed; this information is generally available online and takes only a few moments to verify. Licensing Boards often keep records of complaints about therapists so call the board to check if this information is available. If you do hire the therapist, keep a copy of their license as well as their liability insurance document for their file until a minimum of three years after employment ends. Also, be sure to check your state licensing board's requirements, as some require individual licenses to be visibly displayed on the premises.

4 The Internet

In addition to your background and reference check, it should be standard practice to check prospective therapists' activities online and on social media platforms. Training is available on how to scour for this information. You can often find out a lot with a quick search of Google, Facebook, Instagram, and Twitter, and possibly other heavily trafficked, specific-interest platforms such as Parler, Reddit, and Twitch.

A search like this would have saved one business a lot of grief in one case I worked on as an expert witness. This particular business did not include this investigative step during the hiring process of a prospective employee. Had they done so; they would have discovered with a Google search, an arrest for rape just three years earlier on this man's record. Because of this oversight, the man was hired, and as a result, the business was sued after he sexually abused several women. (See **Internet Search**.)

5 Check References

Always request and check at least three references for the applicant. The best ones are from previous employers or clients, not from friends or family. If there is not a long employment history, ask the applicant to supply contact information for the school they attended and at least two of their teachers. Directly ask the employer if they would hire the applicant again. If a previous employer is not forthcoming, analyzing the tone of their voice may give answers. Sometimes you have to be persistent to get someone on the phone who will talk to you. It's worth the extra effort. Document your calls and the responses you get in the employee's file.

- a. Additionally, review the school from where the student graduated and the number of training hours they completed to earn their diploma. The absolute minimum should be 500 hours, but 650 to 1000 hours are better. (Most state licensing boards require a minimum number of hours.) You need to verify they did not attend any number of shoddy schools that do minimal training and basically sell diplomas. Additionally, find out if the school curriculum included at least 90 hours of ethics, communication, and business courses, combined. Many of today's corporate schools have eliminated these important courses, which means you will likely have to do some extra training of this new therapist. Also, ask if the therapist has taken continuing education courses and what they were; this shows an interest in developing and increasing their skills.

6 Code of Ethics

Adopt a Code of Ethics that includes explicit statements that no sexual contact of any kind can occur between the practitioner and the client and include it within your new hire training manuals. Each therapist should read and sign a copy to be kept in their employment file. Also display the code so that it is visible to both therapists and clients. This establishes safety and acts as a deterrent, as well as being a signal to employees and customers that your business values and upholds ethical behavior. For reference, some massage organizations that include a clear statement about sexual contact in their code of ethics are: Associated Bodywork and Massage Professionals (ABMP), College of Massage Therapists of Ontario (CMTO), The National Certification Board of Therapeutic Massage and Bodywork (NCBTMB), and The American Massage Therapy Association (AMTA).

7 Zero Tolerance

Have a brief yet explicit “Zero Tolerance” statement regarding sexual abuse or harassment of clients in the workplace. Having a series of clear, unambiguous statements about which actions and behaviors are totally unacceptable makes your values and policies resoundingly clear. Each hired therapist should read and sign the statement, in front of the manager, which will be added to their employment file. (See **Sexual Misconduct Statement**.)

- a. **All-Staff Zero Tolerance Meetings:** Whenever an accusation or complaint of sexual assault, verbal impropriety, or inappropriate physical contact is reported to a spa or massage clinic, a general meeting of the entire staff and therapists should be called as soon as possible. To protect the privacy of all concerned, the names of clients or therapists involved in the incident are never mentioned in these meetings.

These mandatory emergency general meetings let all employees know that the organization truly enforces their policies of zero tolerance for sexual assault or sexual impropriety by either clients or therapists. They reinforce all written policies available to the staff and therapists that may be overlooked or ignored over time. They also create a greater sense of safety for everyone. An atmosphere of openness and honesty must be encouraged from the organization’s management and leaders to have an effective sexual assault prevention policy.

If the inappropriate incident was initiated by the client, he or she should have been permanently banned already. If the accused was a therapist, he or she should already be suspended from working at the organization pending an investigation and should not be present at this meeting. The alleged incident should be described by management in detail to all attendees. Employees are asked to come forward at that time, privately afterward, or anonymously with any information that they may have about this or any other incident they know of where a therapist or client has been inappropriate. They should also be encouraged to reach out to management or file an anonymous report at any time they become aware of any such behaviors—not just in response to a meeting. Otherwise, employees often never say anything and the inappropriate incidents go uninvestigated or completely unreported. (See **Sample Meeting Agenda Outline**.)

8 Surveys

Set up simple surveys to be automatically sent to every new client after they receive a session from one of your therapists. Send the survey again every two to three months. A victim of sexual abuse often needs time and physical distance from the event to process it and decide to report an incident. The client is often in shock and not thinking clearly. These surveys are an effective method for spotting inappropriate behavior and boundary crossings before they escalate into sexual misconduct. Small boundary crossings and violations are often the precursors to gross sexual assault. The surveys should have an option for the client to remain anonymous.

If an issue presents itself in the survey or there is a question about possible misconduct, there should be immediate follow up with the therapist. For example, if they had loose, sloppy draping or asked inappropriate personal questions, follow-up training may be all that is needed. However, if a pattern of poor boundaries is spotted, or if the client was inappropriately exposed, even momentarily, due to poor draping, the therapist should be put on probation and carefully monitored. If warranted, your business can begin an investigation of this therapist to gain further information. (See **Survey**.)

9 Training

Take the time to orient and train every new hire both during onboarding and then approximately every 2 or 3 months. Since 2001 large corporations purchased many of the best massage schools in the United States and proceeded to cut most of the ethics, communication, and business skills courses to save money. Many of these new owners often let go of the most experienced teachers because they were paid at a higher rate. These were the only instructors that were capable of teaching the subjects above. The corporate schools began to hire new graduates who had virtually no training in how to teach. Being a massage therapist is a different profession than teaching. Don't assume that your new therapist learned everything they needed to know within their schooling, since many curricula have been slashed on these vital topics. The previous standard of the most professional schools was to train new teachers for 6 months to a year and then closely supervise them. This is no longer necessarily the case.

Also, many skills need to be put into action through experience on the job including ethics, boundaries, sexual assault prevention, reporting therapist or client inappropriate behavior, dealing with difficult clients, attraction to clients, and dealing with sexual arousal. Spas and massage clinics need to put more into training their therapists because of a deterioration in the quality of many massage schools. It is an investment to take the time to train each hire so that they adhere to your standards, provide work that is consistent to the services you offer, and to make sure they are part of a cohesive team. Video training on ethics, sexual issues, and communication must be supplemented by robust discussions led by a skilled person, knowledgeable about these issues.

Within the onboarding orientation, there should be training about boundaries, communication, sexuality, and ethics with explicit conversations and role plays around a number of scenarios, including:

- Recognizing and respecting boundaries
- Power dynamics of the Client/Therapist relationship
- What to do if you are attracted to a client
- How to politely avoid dual relationships
- How to respond if a client asks you to engage in an activity outside the workplace, whether online or in real life
- The zero-tolerance policy for sexual comments, jokes, or actions
- Responding to off-color jokes or sexual innuendo
- Dealing with overly personal client questions
- Effective draping
- Dealing with clients who don't want a drape
- Never working under the drape
- Never working on the inner upper thigh more than three to four inches from the groin
- Always allowing the client to undress and dress in private (which would include how to make all clients comfortable with how much clothing they wish to remove)

Additional areas to note are:

- How to handle clients who cross boundaries or behave inappropriately toward the therapist
- Qualifications for working with cancer survivors
- Qualifications for working with clients who are pregnant
- How to write and file a report to the employer about an inappropriate client behavior or interaction
- How to report inappropriate behavior of another therapist

Inappropriate behavior of another therapist may come to the attention of a therapist from a client or in an interaction with a coworker. It is important to have a reporting and complaint process for clients, and also for therapists so that either feel safe to speak up if inappropriate behavior occurs.

At the end of the initial orientation and training sessions, have the therapist sign-off on a document that they have completed the orientation and have them take a challenging test to check their comprehension and understanding of the material. Do not assume they understood what you have taught.

- a. Training Manual:** Create a clearly written training manual stating the organization's philosophy, values, policies, and procedures that apply to the practitioner. Not only does the manual outline reflect the training given to new hires but will also serve as a reference tool during their time of employment. It is standard to include your stated policies regarding absences, lateness, dress code, cleanliness, room setup, and so forth. Expand the manual to also state, explicitly, policies about the following: communicating with management; resolving conflict; giving and receiving feedback; cultivating a client-centered focus; sexual misconduct and harassment; areas of the body you never touch; prohibiting dual relationships with clients; and, never having sexual contact, making sexual comments or sexual innuendos. The training manual should also include role plays on how to handle clients who are verbally or physically inappropriate with the therapist. By being direct and clear on all of these subjects you set the tone for your new hires and existing employees.

10 Supervision

There are times when a massage therapist has an uncomfortable or disturbing experience when giving a client a massage. The client may have made an off-color joke or was inappropriate in a more subtle way. Practitioners need a shame-free, trustworthy relationship with a supervisor to review and evaluate such challenging or difficult experiences. Supervision can occur in groups or in one-on-one sessions. There are two types of supervision, technical and relationship or clinical supervision. A technical supervisor can help guide therapists to develop their hands-on techniques. A relationship or clinical supervisor helps practitioners learn how to define their own boundaries, set boundaries for challenging clients, and deal with the intense feelings or sexual attraction that may develop. Offering clinical and technical supervision for your therapists by a qualified practitioner is an asset to your business and a deterrent to underlying personal and professional conflicts. (See **Supervision**.)

11 Client Educational Brochure

Provide every client a printed or digital brochure that lets them know what to expect in the massage therapy session, what is expected of them, and how to recognize and respond to signs of inappropriate conduct. This documentation creates well-informed clients and serves as a safety valve and deterrent to those with unclear professional boundaries.

Clients don't always know what to expect or what is acceptable behavior in the massage therapy treatment room. This is especially true for clients new to massage. However, regular clients can also come across situations to which they do not know how to appropriately react. For therapists who may be unclear about boundaries, when a publication of this sort is given to every client, it may also serve as a deterrent knowing their clients are well informed. If you put this client brochure on your website instead of handing a paper brochure to the client, it's important to make sure they have read it. Not everybody reads what is on the website. If the brochure is only on your website, ask each client if they have read it. If not, hand them a printed copy or have them read it on a tablet you have at the office. (For further details see **Client Brochure**.)

12 Complaint Process

There should be a clear and rigorous process for complaints, either about a client's or therapist's behavior. This can help protect your clients, your practitioners, and your business. Having a transparent policy cultivates trust and establishes confidence that they are dealing with a company with high ethical standards. Often, clients who are dissatisfied with some aspect of their treatment don't directly express their concerns; they just stop coming. Encourage every complaint, regardless of how small it may seem, and follow up on it.

If the client is inappropriate, the organization must support the therapist in terminating the session and banning that client from all of their facilities. Conversely, an inappropriate therapist should be immediately suspended and investigated by the police, an independent company, or internally. Surveys should be sent out immediately to all that therapist's clients over the past 6 months. Immediately arrange an interview with the reporting client at a location of their choosing. If the allegations are found to be true and if the client gives their permission the therapist should be reported to the police. The therapist should be terminated. Ethically and morally, the therapist should be reported to the massage therapy board, which would prevent them from simply relocating to another state or location to abuse again.

Note, there is a spectrum of types of sex offenders. One primary example is a sexual predator who is seen as continuously trying to obtain sexual contact with another person in an abusive manner. Analogous to how a predator hunts down its prey, the sexual predator is thought to seek out or "hunt" for his or her sexual objects. Sexual predators usually commit multiple sexual assaults throughout their life.

Another type of sex offender is the person with very poorly developed interpersonal, physical, and/or sexual boundaries. This individual can mistakenly think or feel that the person they are drawn to is interested in sexual contact with them. They act on those sexual impulses without explicit agreement from the other person, often with dire consequences. For this type of sex offender, a sexual assault may be a one-time event. And of course, there are other categories of sex offenders that fall on either sides of these two. None of these individuals should be in the massage therapy profession.

In most cases that end up in court, there is often a pattern of small complaints before an instance of gross abuse. Therefore, having a safe, clear avenue for complaints to be voiced, can prove itself invaluable, as it can bypass a more grievous situation later. Having a robust complaint process will help discourage therapists with predatory tendencies who will be searching for an establishment with less rigorous checks and balances. There are companies that will manage the complete complaint process for your organization. One such company is [Redirect](#). Redirect, a company founded by a board-certified forensic psychologist, conducts investigations in the aftermath of reports of sexual misconduct. By

integrating forensic psychology with professional investigation, Redirect uses a trauma-informed, fact-finding process that is driven by the hiring organization's code of conduct policy. Redirect helps reduce the risk of future incidents by providing valuable insights and support, leadership coaching, staff training, and policy consultation. (For a sample of a defined complaint process you can do on your own, see **Complaint Process**.)

13 Mystery Shopper

Mystery shoppers should regularly be used as part of the quality control process to verify that therapists are following the policies and procedures of the organization. For example:

- Using secure draping
- Starting and ending on time
- Washing hands in the presence of the client before the session
- Asking the client where they would like the focus of the work that day
- Inquiring about the lighting and temperature in the room
- Asking about the depth of pressure during the session
- Asking if they would like music
- Verifying that the therapist follows the clients request for the focus of the session

Using a mystery shopper is also an important component for keeping clients safe. Because it is difficult to weed out 100% of therapists with poor boundaries or predatory tendencies during the interview process, it should be part of an ongoing vetting process for therapists.

In addition to using a mystery shopper as part of vetting, it is also indicated when certain boundaries are crossed. These are examples of behaviors that may trigger a mystery shopper visit and perhaps lead to intervention and retraining.

- Using loose draping that does not feel secure
- Accidentally exposing the female breast for less than 1 second while re-draping, followed by an immediate acknowledgement and an apology
- Engaging in personal conversations, like asking clients inappropriate personal questions.
- Talking about themselves and their problems to clients.

Using a mystery shopper is NOT indicated when inappropriate behavior of a sexual nature is suspected or reported. If there has been even one complaint of a sexual nature against a therapist an investigation should occur. Behaviors like the following should trigger an immediate suspension followed by an investigation, not a mystery shopper visit.

- Undraping/exposing the client's genital region
- Undraping/exposing the female breast
- Looking under or over the drape at the client's body as they turn over
- Massaging the buttock without permission

- Working under the drape
- Touching any part of the breast skin-to-skin or through the sheet
- Making any physical contact with a client's underwear at the groin line of the inner upper thigh while supine or prone.
- Making physical contact with any part of a client's genitalia.
- Touching the upper inner thigh any higher than 4 inches from the groin
- Pressing the pelvis against any part of the client's body, etc.
- Making sexual advances, jokes, comments or innuendos toward a client.
- Being romantically or sexually involved with a client.
- Making comments, neither positive nor negative, about a client's body.

Massage therapists should be informed about the existence and goals of the mystery shopper program and exactly what they will be looking for. This will act as a deterrent for inappropriate behavior and a higher degree of compliance with the policies and procedures.

Predator therapists often test a client's verbal and/or physical boundaries during a massage therapy session to gauge whether a client is susceptible to their advances. Others, with poorly developed boundaries, may gradually move from the professional to the personal, drifting into inappropriate touch or conversation. Too often, these inappropriate actions are not reported because either the client feels too ashamed or embarrassed to bring the issue to light or they have not been properly educated by the spa or clinic to recognize such improprieties. (For a more information see **Mystery Shopper**.)

14 Call Button

Installing a "call button" within easy reach in each treatment room, gives both the therapist and client access to the front desk staff immediately in cases of an emergency or a situation that requires an urgent response. A small button should be placed under the edge of each massage table, just where the client's hand rests. At the start of each session, the therapist indicates the location and use of this "call button". Within your training and training manual, provide instructions with sample phrases for the therapist to use, such as: "This call button is here to keep both of us safe, if either of us wants or needs help." This creates an immediate sense of safety for the client and the therapist. The call button also works as a deterrent for any therapist to engage in inappropriate activity or any client that has a tendency to violate the boundaries of a therapist.

Information about the call button and its purpose should be on the company's website as well as having prominent signs in the treatment rooms. Call buttons can generally be installed for a few hundred dollars per room. Research has shown that the incidence of inappropriate touch is dramatically less when call buttons are installed, and complaints generally go down significantly.

15 Field Visit

If the clinic or spa is a franchise operation, the franchisor should do a field visit to each franchisee at least every 3 months to verify that they are adhering to all operation's manual guidelines, including this checklist. After a franchise spa has been vetted, trained, and opened, the most important task of the franchisor is continued education and enforcement of its accountability standards. If the franchisor has mandated everything in this checklist as well as others, they must be sure that these standards are followed. In most cases, the franchise owner is not a massage therapist and knows little about the profession. The franchisor is their teacher, industry guide, and parent. Without the franchisor's guidance they will often falter. Every field visit is an opportunity to help the new owner get it right with regards to the franchise goals as well as the health and welfare of each employee and client.

A primary component of each field visit is to check the employee files. This lets the franchisor know if the spa is on the right path. As a part of the visit they check for interview notes, reference checks, a copy of a therapist's license, surveys, any complaints or incident reports, and how they were dealt with.