**Sexual Misconduct and Massage Therapy**

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**Abstract**

Massage therapy has been around for thousands of years without professional regulation. The massage therapy profession has recently grown and faced challenges with greater visibility of sexual misconduct displaying needs for standards and policy. Sexual misconduct cannot be tolerated from clients or massage therapists. Sexual impropriety is not exclusive to the massage therapy profession and should not be tolerated in any organization. Shareholders have begun to take firm stances against sexual misconduct through accountability measures. This literary review acts as a report to the massage therapy profession and other stakeholders to bring awareness to the challenges facing clients and massage therapists concerning sexual misconduct. This paper addresses ethical standards and best practices for massage therapists concerning sexual harassment. It has the additional goal of providing a health care literature basis for future academic discussions concerning sexual assault in the massage therapy profession. Massage therapy has the charge to alter the stigma of prostitution associated with the massage industry. Educators and leaders in the massage therapy profession must introduce and model the behaviors for massage occupation professionals. National certification is a pathway to credibility and professional integrity for massage therapists.

**Sexual Misconduct and Massage Therapy**

Massage is an art that has been around for thousands of years in many cultures and capacities. Historically massage was performed by slaves, prostitutes, geishas, wise women, mid-wives, doulas, physicians, physical therapists, athletic coaches, and family members. The mixed past of an ancient collective concerning massage has come to a face off in present times. In recent history there are therapeutic spas, medical massage, massage clinics, and private massage practices. There are also massage parlors, businesses that perform sexual acts, not therapeutic touch, that are a source of confusion for patrons.

Massage schools are the gateway to offer approval to upcoming massage therapists. In the recent past, students were expected to live up to ethical standards while teachers were not held accountable for making flirtatious advances in the classroom. In light of the #MeToo movement, perhaps these questionable teaching techniques will no longer be allowed to exist. There are many concerning massage related malpractices that are linked to criminal behaviors. Impersonating a massage therapist is a crime. Sexual impropriety, or failure to observe professional standards by massage therapists, can lead to legal sexual harassment charges. Behaviors that are fraudulent, coercive, incompetent, indecent, untrustworthy, or are dishonest violations are committed by massage therapy clients, practitioners, and massage educators.

Many occupations are affected by inappropriate flirting, sexually suggestive comments, intimidation, and fear. All organizations and occupations need to be handling sexual harassment more effectively. The stakeholders in massage therapy sexual misconduct are practitioners, consumers, health care professionals, and organizations affected by their shareholders’ improprieties. There has been groundwork for setting needed ethical guidelines based on massage therapy experiences. Board certification through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) is a voluntary credential, the highest attainable massage credential available to the profession. Certification gives massage therapists credibility, legitimacy, and ethical recognition. Massage therapists voluntarily attain criminal background checks and must renew their agreements to ethical standards with 24 hours of continuing education every two years to maintain their Board credentials. The massage therapy occupation is maturing in the health care profession by attaining best practices and by adhering to informed research.

**Massage Overview**

 Tiller conveys that massage is indicated as a soft tissue therapy to prevent injury and reduce prolonged muscle soreness (2021). Moffatt reveals there is evidence that the Chinese practiced massage as early as 3000 BC (2012, pp. 13-23). Massage therapy is first mentioned in 2700 BC in the Yellow Emperor’s Classic Book of Internal Medicine (Huangdi & Veith, 1972). Kang-Ming et al discuss how Hippocrates, the classical Greek physician circa 400-300 BC, father of medicine, referred to massage in his medical treatments as a “healthy gear” on the wheel of “health essentials” (2012, pp. 1-10). Mattern describes Galen, famous for documenting the smallpox plague, as also being known as a physician who treated his patients with bathing and massage (2011, pp. 478-479). In the 1800’s, Per Henrik Ling emphasized massage in his training of Swedish gymnasts (Moffat, 2012, pp. 13-23). Ruffin marks out that in the 1860’s, Florence Nightingale founded modern nursing with massage techniques included in trainings for nursing education programs (2011, pp. 37-65). Nicholls & Cheek document that in 1894, the British Medical Journal published scandals associating massage with prostitution; the incorporated Society of Trained Masseuses (STM) was formed in response as an act to legitimize and regulate the sensual elements of therapist patient contact (2006, pp. 2336-2348).

**Sexual Harassment and Assault Analysis**

The U.S. Equal Employment Opportunity Commission (EEOC) states that sexual harassment is a form of sex discrimination violating Title VII of the Civil Rights Act of 1964 (EEOC, 2002). Research from Hemel and Lund (2018) points out that the EEOC was created in 1964, along with the Act, to draft regulations and enforce the civil rights law; however, the law was not embraced by lower courts until 1986 when the Supreme Court recognized sexual harassment as a form of sex discrimination under Title VII (pp. 1583-1680). The EEOC explains that the harasser can be a man or woman and the victim does not have to be of the opposite sex or be the person harassed; the victim can be anyone affected by the offensive conduct that is unwelcomed (EEOC, 2002). The American Civil Liberties Union (ACLU) reminds the public that a harasser’s intention to be humorous or complimentary does not affect if their conduct is illegal, and that harassment does not have to be motivated by sexual desire or be sexual in nature for the statements or hostile environments to be unlawful (ACLU, 2021). The ACLU clarifies that verbal and nonverbal unwanted communications in the forms of text messages, emails, social media content, sexual gestures, or pornography are considered harassment (2021).

 The Rape, Abuse & Incest National Network (RAINN) refers to sexual assault as a criminal act of sexual contact or behavior occurring without consent of the victim; in contrast, sexual harassment is a broader term of unwelcome verbal and physical attention (RAINN, 2021). The Centers for Disease Control’s sexual violence definition includes non-contact sexual experiences, rape, force, coercion, and unwanted sexual contact (Ammerman & Jones, 2020). Following the #MeToo movement, global survivors of sexual harassment, sexual assault, and sexual violence have found paths to healing through story sharing and empowerment for change (Ammerman & Jones, 2020). Aamodt (2016) summarizes that sexual harassment, a pattern of unwanted behavior of sexual or romantic advances in a hostile environment, is a growing concern in workplaces of all industries (pp 98-101). In 2018, one year after the #MeToo and the “Weinstein effect”, the Society for Human Resource Management (SHRM) released data that nearly 1/3 out of 1000 executives claimed they changed behaviors to avoid perceptions of sexual harassment (Gurchiek, 2018).

**Massage Schools**

Zamboni & Healey (2016) surveyed massage therapy program directors for the Administration of Education Programs about sexual education concluding that massage therapy training should include understanding sexual arousal processes, working with clients who have been sexually abused, and working with transsexual clients (pp. 176-188). Title IX of the Education Amendments of 1972 explicitly prohibits any education program that receives federal financial assistance to allow harassment, violence, or assault of students (US Department of Health and Human Services, 2020). Dylan Patterson, massage educator and practitioner, is facing a federal lawsuit and a suspended license after allegations of unwanted breast massage on students and clients; his license could be reinstated with a $3,000 fine and a completed ethics training (Hill, 2021). Patterson, owner of the now permanently closed Wellness Education Center, has been accused of sexual harassment by a whistleblower reporting inappropriate touching, performing breast massage without consent, and tasting clients’ hair (Hill, 2021).

**NCBTMB Ethics**

Thornton & Timmons (2013) explain that national certification to regulate the massage therapy profession was established in 1992, with the intention of eliminating prostitution (pp. 371-388).The National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) has a criminal conviction policy that includes a three-tiered system for applicants with previous convictions since massage therapists are working unsupervised in a position of trust (NCBTMB, 2021). NCBTMB has a code of ethics and standards of practice that all board-certified massage therapists must agree to, including opposing human trafficking (2021).There are six standards of practice highlighted: professionalism, legal and ethical requirements, confidentiality, business practices, roles and boundaries, and prevention of sexual misconduct and inappropriate touch (NCBTMB, 2021). Standard VI, prevention of sexual misconduct and inappropriate touch, clearly states that board certified massage therapists will not engage in any behaviors that sexualize the therapeutic relationship with massage clients (NCBTMB, 2021).

**Sexual Harassment, Assault, and Stakeholders in News**

Seddiq revealed that Governor Cuomo’s office, from New York, violated policies concerning the reporting of sexual misconduct allegations (2021). The investigator that filed the official report wrote that 11 women on staff were sexually harassed by the governor through offensive comments that were sexual in nature, physical contact that was unwelcome, and nonconsensual physical contact (Seddiq, 2021). Cuomo resigned on August 10, 2021, stating the upcoming hearings, attorney general’s report, and impeachment probe had become a distraction to his job of governing (WSJ Staff, 2021). Trevor Bauer, star pitcher for Major League Baseball (MLB), is on forced administrative leave as the police investigate allegations of sexual assault; the MLB has policies in place in the instances of domestic violence, sexual assault, and child abuse (Paul, 2021). Weinrib relays that high courts will decide if the MLB has the power to fire Bauer based on their independent findings (2021). Bauer’s teammates do not want him to return to the Dodgers Organization (Weinrib, 2021). RM Law announced the first week of August, 2021, that they have filed a lawsuit against video game giant Activision Blizzard on behalf of female employees enduring constant sexual harassment (2021). The online and console game publisher experienced an employee walk-out, has seen the resignation of executives, and is being forced through the lawsuit highlighting gender-bias to improve the workplace culture (Needleman, 2021).

Keith Sanderson, a three-time Olympic shooter, was prevented from competing in this summer’s Olympics because of a sexual misconduct allegation from another competitor (Zialcita, 2021). Fencing Olympian, Alen Hadzic, facing three sexual misconduct allegations, was permitted to compete in his sport (Zialcita, 2021). Hadzic’s teammates protested in disapproval of his Olympic participation by wearing pink masks at Olympic events (Romo, 2021). Mountjoy (2019) gives facts showing that the USA Gymnastics has demonstrated a failed sports leadership culture of sexual abuse scandals, including Dr. Larry Nassar who was notoriously sentenced to hundreds of years in prison for abusing his power relationship with 156 women (p. 57). Following the Nassar investigations, resignations were given by the CEO of the USA Gymnastics, the women’s gymnastics coach, and others (Dyer, 2017). One-on-one medical staff visits are now banned at the national training centers in the wake of the criminal investigation of Nassar’s sexual assaults (Dyer, 2017). Rachel Denhollander, the first gymnast to accuse Nassar publicly of abuse, claims in a recent interview that the USA Gymnastics is still corrupt and is a system of physical abuse of elite athletes (Inskeep, 2021).

**Sexual Massage**

Just because a client thinks that massage therapy is the same as sex work, does not mean the client is excused of assaulting behavior (Stuckey and Dellinger, 2021). In 2021, Robert Aaron Long gunned down eight people at massage parlors in Georgia because he felt he needed to remove sexual temptation (McGurn, 2021). Lam et al (2021) gives an account that efforts against sex workers and human trafficking by police have targeted migrant Asian massage professionals even though research shows that most Asian owned massage businesses do not offer illicit sex services (p. 157). Having businesses legitimize their massage services with licensing allows law enforcement to investigate for dishonest operations without having to go undercover (Meibers, 2020). The National Sexual Violence Resource Center’s communications director, Laura Palumbo, explained that inaccurate stereotypes concerning massage therapy have led to the misconception by the public that massage therapy is sex work (Stuckey & Dellinger, 2021). Because of the inaccurate associations between massage therapy and sex work, when a massage therapist accuses a client of sexual harassment or assault the allegations are often minimized, and the massage therapist victim is not believed or taken seriously (Stucky & Dellinger, 2021).

**Assaulted Massage Therapists and Shareholder Activism**

 Richard et al (2020) notes that not a lot of research has been devoted to exploring sexual harassment of massage therapists by their clients (p. 205). Hemel and Lund (2018) relay that the excess and surplus (E&S) lines market in the United States has a broad trend of activism including anti-sexual harassment efforts, and arguments stressing importance of social responsibility in addition to business capital (pp. 1597-1666). The National Football League (NFL) organization may not allow DeShaun Watson to play in the upcoming season due to his legal battles of the allegations of sexual assault from many massage therapists (Kelly, 2021). Watson, a quarterback for the Texans, has been accused by 22 female massage therapists of forcing sexual acts against their will (Pickman, 2021). The NFL will wait to speak with Watson until the Federal Bureau of Investigation’s (FBI) multiple investigations in progress regarding DeShaun Watson’s behaviors have been completed (Ketterer, 2021). Watson’s Nike endorsement was suspended in response to the organization’s concerns over the troubling accusations (McDonald, 2021). Ashley Solis, the first massage therapist to sue Watson, felt emotional and physical pain from the violations he inflicted in addition to feeling tainted about the profession she once had pride in being a part of (McDonald, 2021).

Oscar-winning actor Kevin Spacey has been accused of sexual misconduct by his massage therapist, as well as more than a dozen men and teenaged boys, becoming disgraced in the acting industry, his career was halted in a cataclysmic downfall following the Harvey Weinstein allegations of 2017 (Yasharoff, 2021). Spacey’s case of groping and soliciting oral sex from his massage therapist was recently dismissed due to the unexpected death of the plaintiff, who was allowed to file his lawsuit under a pseudonym, as sexual assault victims are known to have extreme consequences to their personal lives when they come forward publicly in high profile cases (Bowley, 2021). Kingston and Campbell (2016) make known that 50 women recounted similar accusatory stories to massage therapist’s, Andrea Constand, daughter of a male massage therapist, who accused the actor Bill Cosby in criminal court of drugging and sexually violating her; it took 12 years to convince a court to believe her “preposterous” claims due to insufficient credible and admissible evidence (pp. 46-49). Cosby’s conviction of three counts of felony aggravated indecent assault has been overturned by the Pennsylvania Supreme Court; another accuser, Heidi Thomas, stated it was a decision that “enabled a criminal to go without consequence” (Hutchinson, 2021). Clark (2010) brings light to the fact that there are instances when allegations are brought up by massage therapist citizens who enjoy million-dollar litigations, such as when Molly Hagerty wrongly accused vice-president Al Gore of sexual misconduct during his health-regimen related massage therapy session in 2006 (p 67).

**Assaulted Clients**

Pagura (2012) tells how clients have been known to misinterpret massage therapist touch as something inappropriate, sexual in nature, or a criminal offense (pp. 165-166). Finlay (1999) gives an account of the late 1990’s, when a massage client in Australia and her massage therapist had a communication error concerning massaging her gluteal muscles and the massage being sexual harassment (p. 6). In this instance the complaint was dismissed but questions of importance in communicating and understanding for client consent of treatment were brought to light (Finlay, 1999). There are very low reporting rates on helping professionals for sexual exploitation because clients are afraid of retaliation, they will not be believed, or the client thinks too much time has passed before they realize they were harmed (RAINN, 2021). Ammerman (2020) advises that trusted therapeutic massage therapists that inappropriately touch or sexually violate a male or female leaves the client feeling betrayed, embarrassed, and abused (pp 36-39).

Following the arrest of female massage therapist Yanzong Shi for unlawful sexual conduct and an unauthorized massage practice, Dan Lipman, a lawyer in Colorado, made a statement that massage therapists need to remember that under the judicial system they can be prosecuted for crimes, and that businesses are liable for negligence in cases of sexual assault (Alvarez, 2021). In 2020, massage therapist Matthew Mandel, in Boulder, CO, was arrested for sexual assault and unlawful sexual contact (Byars, 2020). Mandel violated the Colorado Massage Therapy Practice Act and had his license revoked at the end of 2019, after several clients from several massage businesses reported to police his inappropriate sexual behavior during treatments including groping, oral sex, and painful intense massage pressure (Byars, 2020). The Massage Envy franchise has been sued for their policies and procedures, directing the concealing of sexual assault allegation reports for the purpose of protecting the brand, and for negligent hiring while ignoring known assault risks to clients (Grant & Eisenhofer, 2019).

**Recommendations**

Massage therapy businesses and professionals need to expose social injustices, including human trafficking. The massage therapy occupation can address issues of sexual misconduct more effectively by prioritizing teaching about boundaries and basic human rights in massage therapy education. Massage therapy education should also emphasize the importance of language use for a trauma informed practice. For example, massage therapists should not request their clients “grab” their wallet to pay as this is a volatile use of language. Massage therapists should be encouraged to mindfully use non-volatile words in client and treatment related interactions.

Sexual awareness trainings are the best ways to prevent an epidemic of sexual harassment and misconduct in massage schools and massage therapy workplaces. Correcting behavior should start with the massage schools. Each school should define sexual harassment and have a written publicized policy available prohibiting all forms of sexual harassment for current and potential students. This explanation should include examples of inappropriate behaviors. The policy for students and faculty should also include directions for filing formal and informal complaints. Copies of the policy should be posted in classrooms, the student handbook, faculty and employee handbooks, and students and faculty should be required to sign a document verifying that they have read and understand the sexual harassment policy implemented at the school. When schools take the initiative to empower their students to voice concerns, the school can better manage the sexual issues in the classroom and have the sexual harassers removed from the school or change their behaviors. Clear specific policies are needed in order to enforce disciplinary actions. The schools should provide resources for victim support.

 Massage therapists that are in the midst of their careers need to be prepared for the inappropriate and be very clear with clients that the services available are nonsexual and therapeutic. Massage therapists need to ask any client that is not behaving appropriately to leave the premises immediately. Having clear written policies and knowing how to respond if an uncomfortable or dangerous situation happens is the best way to be prepared and able to respond with composure and professionalism. Since it is known that massage therapists are likely to experience harassment, assault, and sexual solicitations, they should get to know their local law enforcement and build relationships with the police in their area so that if incidents occur there is already a relationship in place. Resources available to massage therapists for legal assistance are National Employment Lawyers Association (NELA) and Time’s Up Legal Defense Fund. Massage therapists should feel empowered to file complaints with EEOC or a local human rights agency. Citizens do not need an attorney to file a sexual harassment charge, but the charge must be filed within 180 days after the last act of harassment (ACLU, 2021). Massage therapists need to be very clear to all clients that sexual assault is not an acceptable part of the massage therapy experience. Massage therapists should document all incidents of clients’ sexual harassment including in-person and online interactions.

 There is need for client education about what is and is not appropriate in the massage treatment room. Clients should be encouraged to check the credentials, offenses, and licensing of massage therapists before entering a treatment room. If a client believes they have been assaulted they need to know they have resources. Clients should be informed that they can file consumer complaints and seek legal and mental health resources from victim support. Clients need to be taught that if they feel they are in danger they should end the session and contact law enforcement. The client should inform the massage therapy registration board and the district attorney of the massage therapist’s sexual misconduct. The client should complain to the business, see a medical professional for treatment and to obtain physical evidence samples, and seek legal advice.

**Conclusion**

Careers and lives are destroyed by acts of sexual violence. Shareholder activism plays an important role in individual accountability of actions and behaviors. Stakeholders of organizations can proactively implement sexual harassment policy and procedures. Clear organization policy and procedures assure there is no confusion about inappropriate behaviors of sexual misconduct being acceptable in public, private, or during a massage therapy appointment. Requiring organizations to disclose settlement payments made on behalf of their executives and directors creates transparency and public accountability. Organizations can require detailed reports on the scope of sexual harassment on their platforms. Organizations should continue to stress the importance of standing against sexual assault, sex trafficking, and sexual violence in all capacities.

Massage therapists have been fighting an uphill battle of professional stigma of prostitution for hundreds of years. Massage therapy education has the opportunity to teach upcoming massage therapists about sexual harassment prevention and protocols. Massage schools have the power to close the gate of the massage therapy career to potential sexual offenders. The faculty and staff should model and teach what behaviors are acceptable and expose behaviors that are unacceptable. Massage therapists should all obtain national board certification to demonstrate their professional integrity. Earning the board certification credential shows that the massage therapist is adhering to a code of ethics that is firmly against sexualizing the profession.

Clients can take steps to screen their potential massage therapists and report massage therapists that have assaulted them. Massage therapists should not assault the clients that have put their lives in their care. The massage therapy occupation and the National Certification organization are facing the challenges that sexual harassment presents. The massage therapy profession must continue to acknowledge and address sexual misconduct, human rights atrocities, human trafficking, and sexual assault.

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