

Misconduct Complaint Process

- Every ethics complaint, regardless of how small it may seem, should be followed up on. A sexual misconduct complaint may be received in person, over the phone, or in writing through a survey or email.
- When there is a sexual misconduct complaint, whoever receives that information should write an incident report and then show it or read it to the client to verify it is accurate.
- The incident report should be initialed and dated by the client after verifying its accuracy, or note on the documentation the date and time the client was read the document on the phone and gave their approval of it.
- Follow-up is best done with the client in person, off the premises, by the manager or the owner. This approach has been known to result in fewer lawsuits, as well as fewer misunderstandings.
- It is imperative that ALL spas and clinics be responsive to ALL sexual misconduct complaints, no matter how trivial they seem. Small complaints are commonly made before there is an instance of gross abuse. In most cases that have ended up in court throughout the country, several small complaints were made before someone finally pursued a larger complaint. Investigating the small signals right away can help avoid larger complaints and/or a lawsuit.
- After a complaint, it is recommended that any therapist accused of sexual misconduct be suspended during the investigation pending the outcome.
- If owners and managers are not specifically trained to investigate sexual misconduct complaints, an outside investigator should be hired.

Complaint Response Guidelines

In the absence of an outside investigator, these follow-up complaint response guidelines are recommended:

- When someone in reception receives a complaint directly from a client, they should be instructed to take very detailed and specific notes. Then, they should have the client read them, and if the client confirms the accuracy, have them date and sign/initial the document.
- With the consent of the client, report the incident to the police. The police should also be given a copy of the complaint documentation.
- If the client calls the police or asks you to do so, cooperate fully.
- If the client does not want to involve the police, conduct an investigation yourself.
- Have the owner or manager speak to the therapist who has been accused.
- Suspend the therapist pending the investigation.

- Inform the owner or corporate office immediately.
- The owner or manager should speak to the client as soon as possible after the incident has been reported. This is best done in person at a place of the client's choosing, like a nearby coffee shop or restaurant. Clients who were assaulted will most likely not want to return to the spa or clinic.
- Immediately after an incident, send a standard follow-up survey to both male and female clients seen by the accused therapist during the previous six months. (For a survey template, see the document titled "Sample Client Survey.")
- If this is a franchise, the franchisor also receives a notification of any sexual misconduct complaint at their franchise. The franchisor should have a clear method in place to make sure that all of the above steps are followed by the franchise.

If a client reports sexual misconduct by one therapist to a different therapist (not the one being accused), that therapist should know the organization's stated policy and report this incident to the management. It is recommended that a reporting protocol be written for this situation and made available to all employees.