



Laws, Insurance and Marketing for Somatic Sex Educators

Professional Training for Somatic Sex Educators

somaticsexeducator.com



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Legal and Insurance Issues in Somatic Sex Education

*important cautions from the
Institute for the Study of Somatic Sex Education*

This article is not a substitute for legal advice. If you have concerns regarding your legal safety and status, please commission a lawyer who is familiar with the laws in your own jurisdiction. These words are intended to offer cautions and concerns for consideration of all students and potential students.

The erotic touch aspects of somatic sex education exist in a legal grey area in jurisdictions where prostitution is illegal. We try to teach and recommend ways that you can practice that make criminal prosecution unlikely. This includes using intake forms and waivers that clearly state that all touch is offered for educational purposes. Your forms should also state that somatic sex education is not therapeutic massage, psychotherapy or medical treatment. Your intake forms and waivers should verify your client's age; somatic sex educators only work with legal adults. With the extensive training we offer and the oversight of the professional associations our training qualifies you to join, we also believe – and have received legal advice to guide us – that practitioner vulnerability to criminal prosecution is greatly reduced or eliminated. But it is important to note: although no person who has gone through our training has ever faced criminal prosecution for offering erotic touch in a somatic sex education practice, we cannot guarantee that you will not be prosecuted. Anti-prostitution laws make us vulnerable. Hence some somatic sex educators decide not to include any offering of erotic touch in their practice.

Although our training includes an erotic touch component because of the importance and efficacy of the work, each practitioner must assume the risks and responsibilities of the particular offering they decide to make in the legal jurisdiction in which they operate.

Taking care how you represent your practice, and in what contexts you openly refer to touch and sex, is important for your security and financial well-being. Since the 2018, the enactment of the Stop Enabling Sex Traffickers Act (SESTA) and Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) in the US has created increased scrutiny and censorship of all online media that mentions sex. You may wish to forgo all explicit discussion of sex and touch on your website and in social media.

Although this has not happened to any of our graduates, we have received legal advice in the USA and Canada that indicates practitioners are more likely to face civil prosecution from a disgruntled client - or the disgruntled partner of a client – than any criminal charge. Here again it is vital to have thorough understanding of – and practice with – the many ways we work to establish client empowerment and practitioner protection. Exercises for empowering clients’ choice and voice, clear intake forms and waivers, verbal and non-verbal tracking of consent, intake processes for every session and series of sessions, understanding the science of attachment and the art of creating a holding environment, and including aftercare and integration, are all parts of ensuring clients’ safety and security and your own. We stress the importance of maintaining clear boundaries with clients, maintaining professional and peer supervision, and participating in professional associations including Somatic Sex Educators Association, Association of Certified Sexological Bodyworkers, World Association of Sex Coaches, American Association of Sex Educators, Counsellors and Therapists, Association of Somatic & Integrative Sexologists. Awareness of potential vulnerability in this area

can guide your choices in how you work and who you agree to work with.

Somatic sex education is not a licensed or regulated profession. Licensing is often granted through a professional body or a licensing board composed of practitioners who oversee the applications for licensed status and also typically deal with complaints and ethical transgressions. There is no such licensing body in somatic sex education.

For North American practitioners, professional liability insurance is not available through our professional associations, despite several efforts to create a group insurance program through the Somatic Sex Educators Association. Practitioners have been able to acquire insurance privately for costs ranging from \$1200 to \$3500 a year. An article by Shauna Farabaugh, written for the Association of Certified Sexological Bodyworkers newsletter, is shared in this e-book. For practitioners in Europe and the UK, insurance will likely be available through the Association of Somatic & Integrative Sexologists ([ASIS](#)).

Online Marketing for Somatic Sex Education

by Caffyn Jesse

We offer a marketing seminar by Christiane Pelmas in Core Course 3 that discusses ways you can build a community presence where you live. The focus of this article is on building an online presence. In creating a website and a social media presence for ourselves and our work, we can be guided by somatic sex education principles and practices.

Meeting people where they are. Finding attunement. Deep listening.

Try to imagine yourself in different situations that might bring a person to your particular version of a somatic sex educator's studio. Where do you begin? If with an online search, what do you search for? What results come up?

By researching keywords and assessing their popularity, search volume, and general intent, you can figure out the questions that people want answers to – the ones that might bring them to the office of a somatic sex educator.

You can then orient the content of your website and social media presence to create bridges that help you meet people where they are. People's common sexual concerns in your area of specialization can guide SEO Optimization for your website and tags for social media posts.

Common sexual concerns and DSM (Diagnostic and Statistical Manual of Mental Disorders) pathologies are often reasons people come to see a

somatic sex educator. Can you create some marketing materials around these terms can help you become more visible on the web, and more accessible to the people you want to work with?

For example, you might create content on:

Vaginismus

Addressing low sexual desire

Erectile dysfunction

Making Love Last: Cultivating Eros in Long-Term Relationships

etc.

Establishing a social media presence will help you generate community and connection around your work. It is likely to increase your web traffic, and help potential clients gradually build interest and trust in your offerings, as well as be a way for past clients to stay connected and make referrals. Social media presence boosts your SEO search engine ranking, so this is another way to get keywords next to your name on search engines.

Keyword research for SEO Optimization for your website is also helpful for creating useful Tags so that folks find your Instagram posts and Youtube videos.

Ease and flow is an aspect of trust-building. Refining your website so it has a fast loading speed and works well on a mobile-device also helps with SEO optimization.

Daring to be fully ourselves.

We might think we have to bend ourselves into shapes determined by the outside world to market our practices, but I believe that a strong online presence can most fruitfully emerge when it comes from our core - what we uniquely have to offer. We can reflect on our particular life experiences, the soul we came in with, the traumas we have endured, and the privileges that we embody. How does all this resource us for a particular quality of connection with other human souls? How can you creatively share from this place with the world?

As somatic sex educators we are meeting people at a very intimate and vulnerable level. When someone's online presence emerges from their most authentic and passionate self, I feel trust and interest. If we let our online content reflect our inner truths, it helps people meet and know us as individuals. In this way we can help build enough safety for folks who really resonate with us to feel invited to our studios.

Who exactly are the people we really want to work with? Where do they hang out? What invites and excites them? By deepening into a process of envisioning and researching who these people are, we may more readily find places and topics that help us connect with just these folks.

Both apples and lettuce are important, and delicious. But different kinds of visioning and cultivation are needed to grow them. Some wonderful things can be harvested quickly. Others take many years. We can create strategies to feed ourselves in the short term while building towards a long-term vision, and enjoy progressive enrichment and diversification in our practices.

Planting polycultures that work together, so plants with different properties support each other, creates a thriving garden and a thriving practice. It can be effective to create multiple offerings that are mutually supportive. A workshop creates a point of high visibility that is also a low risk entry point for future clients. Some practitioners offer 15-minute free consultations or give free webinars, creating ways for folks to meet and connect with them before they make a big commitment to the vulnerability and expense of a private session. And we can also create possibilities for people to make a big commitment as a way to begin the work. Online courses (with possibility of add-ons like a personal consultation) and E-Books – whether offered free or low-cost – can invite people to retreats, fill workshops, or just offer low-cost ways to experience the work without further investment.

What can you give with full heart?

A gift economy is one where valuables are not traded or sold, but rather given without an explicit agreement for immediate or future rewards. Despite all attempts to enclose and transform it, the Internet still functions – at least in part – as a gift economy. Creating value-rich content and offering it as a gift is the essence of creating a strong online presence.

Making videos, having a blog, writing helpful articles related to your practice, offering webinars, creating a free online course or e-book, are all ways to create gifts that you can give away without need for immediate reward. You can use your giveaways to build a mailing list, and also just simply to create useful content that makes a contribution, and that people will want to read, share and link to. On heavily visual networks like Pinterest, Snapchat and Instagram, infographics are a great way to create memorable and useful giveaways. You are always welcome to download

and share any infographics I offer on my Facebook blog.

As we learn throughout our somatic sex education studies, honoring our limits and sticking with what we can give with full heart is vital. Having a consistent, steady online presence builds visibility. Spreading ourselves too thinly is counterproductive. Old, abandoned social media accounts can show up in a Google search and be a definite turn-off. And we have all seen the confusing websites of folks who begin a blog with great enthusiasm and then quickly let it drop. If we don't keep posting consistently, readers have no idea if we are still in business.

The Importance of Community and Connection

Getting quality “backlinks” – incoming hyperlinks from one web page to another website – is probably the most important way to raise your ranking on search engines. If people quote you, support you, share what you have said, and credit you, your visibility will increase and your business will thrive. It's a relationship that thrives on reciprocity. If you create a way to send people from your website to other providers, you can create a program of reciprocal links. Paying attention to what others are doing and engaging with them, liking them, and commenting on their posts in a meaningful way can help to build their media presence while you build your own presence in online communities. All of us can benefit, and welcome even more flourishing. We can support each other with a different model of community wellness than we find in the dominant culture, with its idea that we compete for access to limited and scarce resources. In somatic sex education we have found we thrive in an ecological model of community: as more of us co-create presence for the profession, we generate more flourishing for all in an environment of increasing enrichment.

And lastly, there is the issue of...

Getting flagged and blacklisted for “Inappropriate” Content – Being a Sex Educator in a Sex-Negative World

When it comes to sex and social media, inconsistency and unfairness reign. Most applications that enable users to create and share content or to participate in social networking have some kind of anti-sex policy that is applied selectively and without recourse. These are private companies who make their own rules, and appeals to fairness or testimony as to the social value of your work are likely to be completely ineffective. I found this out the hard way, with the loss of my YouTube account in 2018 – and with that, my main way of reaching people.

In 2018 things changed for sex educators with the passage of the Stop Enabling Sex Traffickers Act (SESTA) and Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA). These laws created jeopardy for USA operators of online services that handle user-generated content, making them potentially liable for civil wrongs committed by users. The laws are specifically targeting everything online that has to do with sex. Sex educators have been deeply affected. Some have had social media accounts closed and websites shut down. Every social media application and web hosting company based in the USA now has a method for screening and censoring their users’ content, and anything related to sex, bodies, sexual diversity, and the values somatic sex education represents in the world is likely to be flagged and scrutinized. We guide that you forgo explicit discussion of sex and touch on your website and in social media.

You might want to choose a hosting service for your website that is not based in the USA. You could consider moving your site to Switzerland,

Holland or Germany - where sex work is legal. Your email can also be vulnerable and protonmail.ch. is considered safer than gmail.

Check out policies of the social media applications where you are active and try to stay within their specific community guidelines. Don't think its okay because someone else is doing it – the “rules” seem to be applied randomly and there is no right of appeal.

On the other hand, there are somatic sex educators and sexological bodyworkers who have built a strong online presence using explicit words and images without experiencing censorship. Each one of us must assess and work within our own individual risk tolerance, while we work collectively to change the world.

My Quest for Professional Liability Insurance

by Shauna Farabaugh

written for the ACSB Newsletter, 2018

2020 update: Those of us in the US who got insurance through my broker have had issues this year. It's not the broker's fault, but the company that was covering us just stopped covering us. It took them months to find another company who was willing to and the coverage is much more limited that it was. The struggle to find adequate, affordable and group insurance coverage in the USA and Canada is an ongoing project for our profession.

When I set the intention last October to write this article, I expected it to be an objective report on a self-assigned research project: “how to get professional liability insurance as a SexBod in the US.” Let’s just say that all did not go as planned. For one thing the process took much longer than I had anticipated, though I am happy to report that the quest was ultimately successful. More significantly, I discovered that insurance isn’t really an objective topic. So what follows is my story—the details of what happened, yes, but also the emotional and intellectual side trips that were just as much a part of the process. Also, please keep in mind that none of this is insurance advice or recommendations. This is just my story, and at the end I’ll invite you to share yours!

My journey began as I transitioned my SexBod practice from part-time to full-time last autumn. Now that my practice is my only business, I desired to get all my ducks in a row, professionally speaking, including professional liability insurance. Plus, I was seeking new office space, and professional liability insurance was required before renting in more than one of the locations I investigated.

I started by casually surveying a few local SexBod colleagues and found that: A) Many didn't have any professional liability insurance. B) Those who did had chosen low cost coverage, which they acquired without providing much detail as to the nature of their practice. Unfortunately, this meant they had no certainty that those policies would actually cover them if they ever had to file a claim. This is certainly a functional strategy. If nothing else, it covers the requirement for office rental, but it didn't feel good to me personally. Why pay money—even a relatively small amount of money—for something that isn't going to work if I ever need it? Honestly, I also wanted to find out, once and for all, if it is, in fact, possible in the US to tell an insurance company that I touch people's genitals with consent in a therapeutic context and actually get insured.

Next I sought counsel from a clinical sexologist with whom I often collaborate. Though her practice doesn't include hands-on work, she was confident that her insurance broker could find coverage for me for SexBod. On her referral I met Mike...

Mike knows insurance. And he loves to educate his clients. He's also a great ally and thinks our work is fantastic, which in itself felt like a victory. For myself—and I imagine I'm not alone in this--part of my fear in facing questions like "can I get insurance for Sexological Bodywork" was that I'd call the insurance broker and tell them what I do, and they'd laugh or shame me—or worse! My imagination always succeeds in conjuring some horrible, irrational repercussion to sharing my work in previously untested settings, like getting blacklisted from all insurance for life or reported to...remember, I admitted it was irrational. But after talking to Mike, I now know for sure that at least one insurance broker in the US believes that our work is vital and that it shouldn't be a big deal to get insured to practice. It's reasonable to conclude from this that he's probably not the only one. And I did ask him what would happen if no one would agree to insure me, if my imaginary insurance blacklist exists.

He assured me that it does not.

Mike explained that he would submit my application to insurance underwriters—these are the folks who decide if their company is willing to take on the “risk” of insuring you at all, and, if yes, they dictate the details of coverage and what it will cost you. He explained that all the big name companies that I might recognize—Allstate, Hartford, etc—wouldn’t consider covering me for professional liability. They’re basically too big and successful to bother taking on anything new, unknown, or potentially “risky.” However, there are plenty of other companies who are willing to take on more risk, and some companies specialize in policies identified as “riskier.” (He kept using the example of e-cigarette companies as riskier or harder to insure companies. I’m not sure how I feel about comparing SexBod to e-cigarettes, but for the sake of the argument, I knew what he was getting at.)

Mike estimated that he’d have a quote for me within 3 business days. When a week went by without hearing from him, I called to check-in. Apparently 11 companies had declined to offer me a policy, and Mike had been putting off calling until he had better news. Again, I was grateful that Mike is an ally. His repeated expression that he “just couldn’t understand what the big deal was” was a balm to my discouragement and anxiety. He assured me that he had other companies to contact, and he was still confident that he could find a policy for me.

Almost two weeks later, we got our first quote, which was a definite victory! It was, however, disappointingly high: \$1750 for the policy, but after taxes and fees, close to \$2300. And that’s not including general liability coverage, which Mike told me he’d get through one of the big, well-known insurance providers, but for a minimum of \$500. Ouch! This is quite a bit more than my colleagues in other professions pay for their coverage. The SexBod colleagues with the vague policies that we don’t know if they will cover them if they ever had to file a claim pay between

\$100-200 per year for professional liability. Some licensed massage therapist colleagues pay \$200-300 annually. Licensed Marriage and Family Therapist colleagues whom I interviewed pay \$460 per year, including general liability; the breakdown works out to \$110 professional, \$350 general in that quote. The clinical sexologist who referred me to Mike pays closer to my quote; about \$1000 annually for professional liability.

It's possible that these cost differences are not related to the nature of our work, but rather to the fact that I am soliciting an individual policy, just for my specific business. It's possible that the low-cost policies held by colleagues are so affordable because they are not individual policies but part of something called a risk retention group. Mike explained to me that often when professionals get insurance through a professional association, like the massage colleagues I interviewed, for example, that the coverage is through this type of structure. While definitely affordable, Mike said he's not a fan of risk retention groups. This was a little disappointing since I'd started to hope that he might be interested in setting something like that up for the ACSB. His concerns are that the limit of liability is often shared by all members and the coverage can be minimal and restrictive. Keep in mind that I'm not an investigative journalist here—trying to actually compare all these numbers I've been collecting would involve comparing the details of each actual policy compared to the price, etc.

So here's where I admit that at this point I started to freak out a little and question everything. Does this even matter? Do I need insurance at all? I started thinking about the successful, nationally-known sex educator with whom I recently had a meeting. Of course I asked her about her insurance choices (I seriously was mildly obsessed with insurance at this point). She teaches groups and coaches individuals, and she doesn't have any insurance at all. Why am I bothering with this? On the other hand all of my licensed therapist friends in the Bay Area would never consider

practicing without professional liability insurance. It's just not done. If you have a private therapy practice, you get professional liability insurance. From that angle, why would I ever question getting valid, viable professional insurance for my own private practice? I started to wonder if questioning getting insurance was indicative of some subtle way that I devalue my own work, revealing parts of me that have absorbed the sex-negative cultural messages suggesting that our work isn't real, legitimate, legal. Facing that did not feel good. But ultimately, bringing that shadow into focus was empowering for me; it allowed me to frame my quest for insurance as a statement of belief in my work, its legitimacy, and my own professionalism.

And let's be honest: insurance is confusing because it isn't about solid answers. Insurance is about risk assessment. As sex educators we know about risk assessment and harm reduction. We can't tell our clients the "right choices" for pregnancy or STI prevention, for example. We share the facts. We discuss what could happen. We share a variety of strategies to reduce risk. And then our clients assess how much risk they're willing to take and make their choices. There isn't a "right" answer, just individual choice. Just like insurance. At one point in this process, Mike asked me, "What are you afraid is going to happen?" He was trying to help me with my risk assessment, trying to clarify, both for him and me, what concerns I was trying to protect myself from. It backfired. "Nothing," I replied. I'm not planning on getting sued. I never want to need this insurance or to have to use it. Insurance might be the one thing in the world that we buy with the fervent hope of never needing to use it. And I'm not the kind of person who enjoys imagining horrible things that might happen, like a painting falling on someone's head and inflicting grave bodily harm while we're playing the 3 Minute Game, and preparing for said theoretical, horrible thing "just in case." But that's what insurance is, isn't it? No wonder it makes me feel confused. How much risk do I really carry? How much am I willing to pay for someone else to cover the possible cost of said unknown risk? If twenty years from now, I've paid

\$40,000 for something I didn't need, will I regret spending that money? I guess I'd certainly regret it if ten years from now I had only invested \$1,000 in a cheap policy, but got sued and found that the policy didn't cover it. I think I'd feel more like I'd wasted that grand than the 40Gs that I never needed.

As I came to terms with this wild emotional and intellectual ride, I got another call from Mike with a second quote, which offered coverage comparable to the first at a rate much closer to what I had been hoping for when this adventure began: \$1250 annually. Admittedly, that's just the premium, not including taxes and fees, and it'll cost me another \$500 annually for general liability insurance, putting my total business insurance costs around \$2200 per year. But I feel good about it. I'm investing in myself and my business, and I've expanded the realms in which our work is known, seen, and valued. Perhaps all those underwriters who declined to write me a policy will make a different choice the next time they see a proposal for SexBod coverage because it won't be strange and new. Or maybe when I'm networking with medical providers who are just being introduced to our work, the fact that I have professional liability insurance will make them more confident referring patients to me, expanding the reach, impact, and collaborative potential of our field. We'll see. That's where the research continues...

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Jesse and Shauna Farabaugh



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