



Ontario Society of Registered Psychotherapists

Constitution and By-Laws

OSRP Constitution & By-Laws Index

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CONSTITUTION

The original name of the Society was the Ontario Society of Psychotherapists (La société des psychothérapeutes de l'Ontario).

This was officially changed to the Ontario Society of Registered Psychotherapists (La société des psychothérapeutes enregistrés de l'Ontario), effective January 23, 2019.

The Ontario Society of Registered Psychotherapists (OSRP) is the professional voice of Registered Psychotherapists (RPs) in Ontario. We believe that every Registered Psychotherapist needs to have a voice, along with a place to go to for information, connection and support. We represent the diverse clinical, economic, social and political interests of all psychotherapists. For RPs, by RPs.

Section 1 Interpretation

In this by-law, unless the context otherwise requires:

- a. **“Act”** means the Not-for-Profit Corporations Act, 2010 (Ontario) and, where the context requires, includes the regulations made under it, as amended or re-enacted from time to time;
- b. **“Board”** means the board of directors of the Society;
- c. **“By-laws”** means this by-law (including the schedules to this by-law) and all other by-laws of the Society as amended and which are, from time to time, in force;
- d. **“Chair”** means the chair of the Board;
- e. **“Society”** means the Society that has passed these by-laws under the Act or that is deemed to have passed these by-laws under the Act;
- f. **“Director”** means an individual occupying the position of director of the Society by whatever name he or she is called;
- g. **“Member”** means a member of the Society;
- h. **“Members”** means the collective membership of the Society; and
- i. **“Officer”** means an officer of the Society.

The invalidity or unenforceability of any provision of this By-law shall not affect the validity or enforceability of the remaining provisions of this By-law. If any of the provisions contained in the by-laws are inconsistent with those contained in the Articles or the Act, the provisions contained in the Articles or the Act, as the case may be, shall prevail.

BY-LAWS

I. Membership

A. Classes of Membership

Membership in the Society shall consist of six classes of members, namely: Clinical members, Qualifying members, Student members, Retired members, Honorary members, and Friends of the Society. Members may also be admitted in such other manner as may be prescribed by the Board by resolution. The following conditions of membership shall apply for each class.

I. Clinical members shall:

- a) be a Registered Psychotherapist or Registered Psychotherapist (Temporary) in good standing with the College of Registered Psychotherapists of Ontario,
- b) pay the current membership fee.
- c) have the right to attend and vote at the annual meeting and any special meeting of the members;
- d) have the right to be nominated as Officers of the Board of Directors or for the Chair of any Committee in accordance with the provisions within the by-laws;
- e) have the right to use the designation "Clinical Member, OSRP."

II. Qualifying members shall:

- a) be a Qualifying Registered Psychotherapist in good standing with the College of Registered Psychotherapists of Ontario;
- b) pay the current membership fee;
- c) have the right to attend and vote at the annual meeting and any special meeting of the members;
- d) have the right to be nominated as Officers of the Board of Directors or for the Chair of any Committee in accordance with the provisions within the by-laws;
- e) have the right to use the designation "Qualifying Member, OSRP."

III. Student Members shall:

- a) be registered in an education and training program recognized by the College of Registered Psychotherapists of Ontario or provide detailed information on educational institution/program and curriculum, along with proof of enrolment, for review by the OSRP Connect Committee;
- b) pay current membership fees;

- c) have the right to attend and vote at the annual meeting and any special meeting of the members;
- d) have the right to be nominated as a Director or for the Chair of any committee in accordance with the provisions within the by-laws;
- e) have the right to use the designation “Student Member”, OSRP.”

IV. Retired members shall:

- a) be a member who has resigned from the College of Registered Psychotherapists of Ontario or is a retired member with the Ontario Society of Registered Psychotherapists;
- b) pay the current membership fee;
- c) have the right to attend and vote at the annual meeting and any special meeting of the membership;
- d) have the right to use the designation “Retired member, OSRP.”

V. Honorary Member

This title shall be conferred by the OSRP Board upon such individuals who have, in the opinion of the Board, made an outstanding contribution to the psychotherapy profession and/or to the Society.

Honorary members shall:

- a) have previously been Clinical members of the Society or be a Registered Psychotherapist with the College of Registered Psychotherapists of Ontario;
- b) be exempt from paying membership fees;
- c) have the right to attend and vote at the annual meeting and any special meeting of the membership;
- d) have the right to be nominated as Officers of the Board of Directors or the Chair of any committee, in accordance with the provisions within the by-laws.

Members holding the designation of Honorary Member before 2018 shall retain Honorary membership.

VI. Friends of the Society shall:

- a. not be eligible for any other OSRP membership category;
- b. have a direct connection to the mental health field;

- c. be interested in helping professions in the wider community, wish to be affiliated with the Society and be approved by the membership committee;
- d. have the right to be nominated to join any committee;
- e. shall not be eligible for nomination for Directors, Officers of the Board of Directors or the Chair of any committee;
- f. have the right to attend, in a non-voting capacity, the annual meeting and any special meeting of the membership;
- g. pay the current membership fee.

B. Election or Admission

- a. A person desiring election or admission to the Society shall make application to the membership committee, accompanied by Society fees as in effect.
- b. All applicants may be admitted by the membership committee after a review of the application in accordance with established policies and procedures.
- c. Any applicant not clearly meeting the eligibility requirements may enter into a further process with the membership committee who shall decide on the merits of the case.
- d. The membership committee may delegate, with supervision, all or parts of the admission process to contracted service providers.

C. Fees for Membership

Membership dues shall be made and be payable in the manner and amounts and at the time or times as determined by the Board of Directors.

D. Transfer of Membership

Members may not transfer membership to any person or entity.

E. Termination of Membership

Membership in the Society is terminated when:

- a. the Member is no longer a member of the College of Registered Psychotherapists of Ontario.
- b. the Member resigns by delivering to the Society a written resignation and such withdrawal shall take effect upon such delivery;
- c. the Member's term of membership expires;
- d. the Member doesn't pay their membership dues by August 1st;
- e. the Society is liquidated or dissolved under the Act.

F. Disciplinary Action

- a. Upon 15 days' written notice to a Member, the Board may pass a resolution authorizing disciplinary action or the termination of membership for violating any provision of the articles or by-laws.
- b. The notice shall set out the reasons for the disciplinary action or termination of membership. The Member receiving the notice shall be entitled to give the Board a written submission opposing the disciplinary action or termination not less than 5 days before the end of the 15-day period. The Board shall consider the written submission of the Member before making a final decision regarding disciplinary action or termination of membership.

2. Members' Meetings

A. Annual Meeting

There shall be an Annual Meeting of the Society, which shall take place not later than six months following the fiscal year, at such place as may be designated by the Board of Directors. Notice of such Annual Meeting shall be mailed, or sent electronically where the member has a request on file, to all members in good standing at least four (4) weeks before the date of such Annual Meeting.

B. Resolutions may be submitted to the Annual General Meeting

- I. By petition signed by at least any twenty-five (25) members in good standing and filed with the Executive Committee.
- II. By recommendation of the Board of Directors;
- III. In the event of any question arising the Annual General Meeting involving a substantial matter or a change to the by-laws, the question shall be decided by a two-thirds majority of the votes present. All other resolutions shall be passed by a simple majority.
- IV. Final action may be taken by the members in attendance at the Annual General Meeting only on Resolutions that have been mailed, or sent electronically where the member has a request on file, to the membership from the Provincial Office at least four (4) weeks prior to the date of the Annual General Meeting. This provision shall apply also to committee reports that embody substantive recommendations.
- V. Quorum: A quorum shall exist when not less than ten per cent (10%) of voting members are either physically present, in attendance by electronic means, or represented by proxy.

Voting: Business arising at an Annual General Meeting shall be decided by a majority of votes

unless the Act or by-laws state otherwise. Votes shall be taken by a show of hands or by electronic means among all voting Members present and the Chair of the meeting, if a Member, shall have a vote.

- VI. Chair: The Chair of the Board of Directors shall be the Chairperson of the Annual General Meeting. In the Chair's absence, the Members present at any Members' meeting shall choose another Director as Chair and if no Director is present or if all of the Directors present decline to act as Chair, the Members present shall choose one of their number to chair the meeting.
- VII. The following items of business shall be dealt with at the Annual General Meeting
 - a. Chair's report
 - b. Executive Committee's report
 - c. Reports of the Treasurer and auditor
 - d. Executive Director's report, if there is one
 - e. Installation of officers
 - f. Appointment of auditors
 - g. Other business as required

C. Special Sessions of the Membership of the Ontario Society of Psychotherapists

- I. The Board of Directors may call a Special Session of the Membership at any time and shall be required to call a Special Session upon written petition to do so, setting forth a specific purpose relevant to the objects of the Society, which has been signed by at least 10% of the membership in good standing.
- II. The Special Session shall be held in such place as designated by the Board of Directors.
- III. Notice of such Special Session shall be given in writing, or by electronic message where the member has a request on file, at least four (4) weeks prior to the date of such Special Session.
- IV. The Voting Body for a Special Session shall be the same as for the Annual General Meeting
- V. The voting at Special Sessions shall be conducted in the same manner as for an Annual General Meeting.
- VI. A quorum shall be the same as for an Annual General Meeting.

D. Participation by Electronic Means at Members' Meetings:

Members may attend general or special meetings by telephonic or electronic means that permit them to participate in the meeting, and such persons shall be considered to be present at the meeting. Further, meetings of members may be held entirely by telephonic or electronic means that permit all participants to communicate adequately with each other during the meeting.

- I. If the Society chooses to make available a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during a meeting of members, any person entitled to attend such meeting may participate in the meeting by means of such telephonic, electronic or other communication facility in the manner provided by the Not-for-Profit Corporations Act, 2010 (Ontario). A person participating in a meeting by such means is deemed to be present at the meeting. Notwithstanding any other provision of this by-law, any person participating in a meeting of members pursuant to this section who is entitled to vote at that meeting may vote, in accordance with the Act, by means of any telephonic, electronic or other communication facility that the Society has made available for that purpose.
- II. If the Directors or members of the Society call a meeting of Members pursuant to the Act, those Directors or Members, as the case may be, may determine that the meeting shall be held, in accordance with the Act and the Regulations, entirely by means of a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.

E. Proxy Voting

Members who are unable to attend the Annual General meeting or any special meeting of the Society may delegate another member to vote on their behalf. Absentee members must complete a proxy form designating who their proxy is. Only members of the Society may be proxy holders.

F. Rules of Order

- I. It is a core value of the Society to govern itself using the principles of consensus building and participation of all relevant stakeholders in the decision-making process of the Society. The Board of Directors of OSRP will make every effort to meet the interests of the Members through frequent town halls and other requests.
- II. *Robert's Rules of Order, Revised Edition*, shall govern procedure at all meetings of the Society to the extent that they are not inconsistent with the Constitution and By-laws of the Society and any special rules adopted in accordance with them.
- III. Board meetings will be run with the intention of reaching consensus for all decisions.

3. Officers

A. Officers of the Association

The Officers of the Society shall include a Chair, Past-Chair, Vice-Chair, Secretary and Treasurer.

B. Election of Officers

The Board of Directors, at its first meeting after the Annual General Meeting, will elect the officers of the Society from the current elected Board members. At this meeting, the Board will ensure that the functions and job responsibilities of the officers will be assigned to at least one Board member, or a combination of Board members.

C. Calling of Board Meetings

- I. Meetings of the Directors may be called by the Chair at any time and any place on notice as required by this by-law. The Board shall meet at least four times per year.
- II. The Board may fix the place and time of regular Board meetings and send a copy of the resolution fixing the place and time of such meetings to each Director, and no other notice shall be required for any such meetings.
- III. Notice of the time and place for the holding of a meeting of the Board shall be given in the manner provided in Section 8 of this by-law to every Director of the Society not less than seven days before the date that the meeting is to be held. Notice of a meeting is not necessary if all of the Directors are present, and none objects to the holding of the meeting, or if those absent have waived notice or have otherwise signified their consent to the holding of such meeting. If a quorum of Directors is present, each newly elected or appointed Board member may, without notice, hold its first meeting immediately following the annual meeting of the Society.
- IV. The Chair shall preside at Board meetings. In the absence of the Chair, the Vice-Chair shall preside.
- V. Each Director has one vote. Questions arising at any Board meeting shall be decided, where possible, by consensus or, if it is not possible to reach consensus, by a majority of votes. In case of an equality of votes, the Chair shall not have a second or casting vote.
- VI. If all of the Directors of the Society consent, a Director may participate in a meeting of the Board or of a committee of Directors by telephonic or electronic means that permit all participants to communicate adequately with each other during the meeting. A Director participating by such means is deemed to be present at that meeting.

D. Duties of the Chair

- I. The Chair shall perform the usual duties and exercise the usual powers of a presiding officer as defined in *Robert's Rules of Order*, subject to the provisions of the Constitution and By-laws of the Society and any special rules adopted in accordance with them. Specific duties shall include:
 - a) serves as the chief volunteer of the society;

- b) ensures that Board matters are handled according to governance best practices;
- c) chairs the society Board meetings and the Annual General Meeting;
- d) provides leadership for the Board of Directors in realizing the Society's mission and vision;
- e) helps guide and mediate Board actions with respect to the Society's priorities and governance concerns;
- f) evaluates, with the Executive Committee, the performance of the Executive Director, if one exists, and/or other staff support;
- g) develops the agenda for Board meetings in consultation with the Executive Committee;
- h) serves as ex-officio as a member of the Society's committees.

II. The Past Chair shall act as advisor to the Executive Committee and shall provide advice and leadership to the Board of Directors regarding past practices and other matters, to assist the Board in governing the Society

III. The Vice-Chair shall be the Chair-elect during the second year of the Chair's term and shall perform the duties of the Chair in the Chair's absence and such other duties as assigned by the Chair.

IV. The Secretary shall maintain the records of the Board of Directors and ensure the effective management of the Society governance records, manage the minutes of the Board meetings, ensure that the minutes are done in a timely manner and distributed to Board members, and is familiar with the society's legal documents for reference during the meetings.

V. The Treasurer shall oversee the finances of the Society, including the Board's review of, and actions related to, its financial responsibilities, supervise the issuing of cheques for payment of all authorized expenditures. The Treasurer shall report to the Board of Directors the state of finances of the Society. Specific duties shall include:

- a) provides an annual budget to the Board of Director's approval;
- b) ensures the development and Board review of final procedures and systems;
- c) assists in the selection of a public accountant and report on the year-end financial statements at the Annual General meeting. In addition, every five years, commencing in 2020, the Treasurer shall assist in the selection of an auditor and report on the audit at the Annual General meeting.

VI. Chairs of Standing Committees. See Section 7.

E. Function of the Board

- I. The function of the Board of Directors shall be to formulate policy on matters relating to the implementation of the objectives of the Society and to oversee the implementation of such policies. Without excluding the generality of the foregoing, the duties of the Board shall include:
 - a) determines the Mission and Purpose of the society
 - b) sets the strategic directions of the society
 - c) selects and reviews the Association Management Company that runs the Society's office
 - d) ensures adequate resources for the society to fulfil its mission
 - e) ensures that the Board complement is complete;
 - f) appoints Chairpersons of Standing Committees
 - g) processes all matters related to Board membership.

F. Finances

- I. The Board shall by resolution from time to time designate the bank in which the money, bonds or other securities of the Society shall be placed for safekeeping.
- II The financial year of the Society ends on June 30th in each year or on such other date as the Board may from time to time by resolution determine.

4. Executive Director

An Executive Director shall be appointed, as deemed necessary, by the Board of Directors of the Society and, under the supervision of the Executive Committee, be responsible for the general direction of the affairs and operations of the Society in accordance with policies laid down by the Board.

5. Governing Bodies

The Governing Body of the Society shall be the Board of Directors.

- A. The Society's Board of Directors functions as the decision-making body and has the ultimate responsibility for mission, vision and strategic direction of OSRP.
- B. Each Board Director is a fiduciary for the interests of the members, carries out his/her/their duties in the interests of the society and without conflict of interest.

- C. The function of the Board of Directors shall be to formulate policy on matters relating to the implementation of the objectives of the Society and to oversee the implementation of such policies. Without excluding the generality of the foregoing, the duties of the Board shall include:
- a. determines the mission and purpose of the society
 - b. sets the strategic direction of the society
 - c. selects and review the association management company that runs the Society's office
 - d. ensures adequate resources for the society to fulfil its mission
 - ensures the Board complement is complete
 - appoints Chairpersons of Standing Committees.
 - processes all matters related to Board membership.
- D. The Officers of the Society shall be comprised of an Executive Committee. This committee shall determine how and how often it will meet. It will meet within one month after the first Board meeting after the Annual General Meeting to ascertain its mandate. Some of its duties may include implementation of the policies formulated by the Board of Directors and the discharge of the routine business of the Society. Without excluding the generality of the foregoing, the duties of the Executive Committee may include:
- I. supervising the expenditure of money according to the annual budget,
 - II. directing the implementation of the reports of the Society's standing and ad hoc committees in accordance with policies of the Society,
 - III. formulating emergency policy as required between meetings of the Board of Directors, provided that such policies are not inconsistent with those laid down by the Board of Directors and the Membership.
- E. Composition of the Board of Directors and Executive Committee
- The Board shall consist of a minimum of 5 directors.
- I. The Board of Directors shall consist of the Past-Chair (ex-officio), Chair, Vice-Chair, Secretary, Treasurer, six Members-at-Large, and Chairs of Standing Committees.
 - II. The Executive Committee shall consist of the Past-Chair (ex-officio), Chair, Vice-Chair, Secretary and Treasurer, and any Board members and any other members in good standing that the Executive may from time to time appoint. At such time as there is an Executive Director and/or Registrar, they will be ex-officio members of the Provincial Executive.

6. Terms of Office of Officers and Board Members

A. Election and Term

Directors shall be elected by the Members at the first meeting of Members and at each succeeding annual meeting. The term of office of the Directors (subject to the provisions, if any, of the articles) shall be from the date of the meeting at which they are elected or appointed for a period of two years.

All Board members shall be elected for a period of two (2) years.

- a) Board Directors can be elected for an unlimited number of terms.
- b) Any officer or Board member who misses three (3) Board meetings within the Board year without just cause shall be deemed to have vacated his or her position on the Board.

B. Vacancies

The office of a Director shall be vacated immediately:

- a) if the Director resigns office by written notice to the Society, which resignation shall be effective at the time it is received by the Society or at the time specified in the notice, whichever is later;
- b) if the Director dies or becomes bankrupt;
- c) if the Director is found to be incapable by a court or incapable of managing property under Ontario law; or

if, at a meeting of the Members, the Members by ordinary resolution removes the Director before the expiration of the Director's term of office.

C. Filling Vacancies

A vacancy on the Board shall be filled as follows, and the Director appointed or elected to fill the vacancy holds office for the remainder of the unexpired term of the Director's predecessor:

- a) if the vacancy occurs as a result of the Members removing a Director, the Members may fill the vacancy by an ordinary resolution;
- b) if there is not a quorum of Directors or there has been a failure to elect the number or minimum number of Directors set out in the articles, the Directors in office shall, without delay, call a special meeting of Members to fill the vacancy and, if they fail to call such a meeting or if there are no Directors in office, the meeting may be called by any Member; and
- c) a quorum of Directors may fill a vacancy among the Directors.

D. Remuneration of Directors

The Directors shall serve as such without remuneration and no Director shall directly or indirectly receive any profit from occupying the position of Director; subject to the following:

- a) Directors may be reimbursed for reasonable expenses they incur in the performance of their Directors' duties;
- b) Directors may be paid remuneration and reimbursed for expenses incurred in connection with services they provide to the Society in their capacity other than as Directors, provided that the amount of any such remuneration or reimbursement is:
 - 1. considered reasonable by the Board;
 - 2. approved by the Board for payment by resolution passed before such payment is made; and
 - 3. in compliance with the conflict of interest provisions of the Act.
- c) Current Board members will have their dues waived for the membership year following each AGM for Board members who have been on the Board for a full year. Each year they complete a full year on the Board, they will have their dues waived for the following membership year.

E. Protection of Officers and Directors

No Director, Officer or committee member of the Society is liable for the acts, neglects or defaults of any other Director, Officer, committee member or employee of the Society or for joining in any receipt or for any loss, damage or expense happening to the Society through the insufficiency or deficiency of title to any property acquired by resolution of the Board or for or on behalf of the Society or for the insufficiency or deficiency of any security in or upon which any of the money of or belonging to the Society shall be placed out or invested or for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person, firm or Society with whom or which any moneys, securities or effects shall be lodged or deposited or for any other loss, damage or misfortune whatever which may happen in the execution of the duties of his or her respective office or trust provided that they have: a. complied with the Act and the Society's articles and By-laws; and b. exercised their powers and discharged their duties in accordance with the Act

F. Conflicts of Interest

A Director who is in any way directly or indirectly interested in a contract or transaction, or proposed contract or transaction, with the Corporation shall make the disclosure required by the Act. Except as provided by the Act, no such Director shall attend any part of a meeting of Directors or vote on any resolution to approve any such contract or transaction.

7. Standing Committees

- a. Standing Committees shall be established by the Board of Directors, or as authorized at any annual or special meeting, the duties of which shall be determined and allocated by the Board of Directors.
- b. Chairs of Standing Committees shall be nominated by the Nomination Committee in consultation with the Standing Committees.
- c. Standing Committees shall meet at the call of the Chairpersons of the committees. A record of their work and deliberations shall be kept, which shall be available to the Executive Committee and the Board of Directors at the request of the Chair.

8. Nominations and Elections

- a. There shall be a standing Nomination Committee, which shall be responsible for carrying out all the details concerning elections and, at the request of the Board of Directors, for submitting names to the Board in the event that an office becomes vacant before completion of the term.
- b. The Committee shall solicit nominations from eligible members by releasing a call for nominations. All nominees shall complete a nomination form along with the names of two (2) references from OSRP members in good standing. Interviews will be conducted for all nominees. All nominations must be received in the office by a specified time not less than forty-five (45) days prior to the Annual General Meeting, after which time the nomination process for the slate of officers/directors shall be closed.
- c. Ballots, shall be sent to all voting members in good standing of the Association, not less than thirty (30) days prior to the date of the Annual General Meeting. The ballots, in order to be recorded as a vote, must be received by the office no later than 5 p.m. two days prior to the Annual General Meeting.
- d. The final slate shall be determined based on a majority of votes cast for any person where there is more than one person nominated. In the case of a tie, a draw shall be held at the Annual General Meeting.
- e. A final slate shall be presented at the Annual General Meeting for ratification. In the event that any position is not filled, nominations from eligible members in attendance at said meeting may be made from the floor along with the support of two (2) members in good standing. In the event that there is more than one nomination for said position, a vote will be counted by a show of hands.

9. Referenda

- a. The Board of Directors may submit a referendum to the membership on any question affecting the Society's interests.
- b. A majority for such vote shall be two-thirds of the members voting, provided that at least forty per cent (40%) of members eligible to vote reply to the referendum.
- c. A referendum shall be held upon written petition to the Board of Directors to do so which sets forth a specific purpose and which has been signed either by at least sixty (60) members in good standing, or by at least ten per cent (10%) of the members in good standing, provided that the total number of signators is at least forty (40).

10. Borrowing and Investing Powers

- a. The Board of Directors may borrow or raise money in such manner as it sees fit and may issue debentures or grant mortgages on real and personal property of the Society, and pledge or hypothecate any or all of the assets of the Society to secure repayment of money borrowed; provided, however, that no debentures or mortgage bonds shall be issued without authority of a special resolution of the Society.
- b. The Board of Directors may invest such surplus or reserve funds that may from time to time exist in bond issues subject to the provisions of the Act, provided, however, that such action taken by the Board of Directors shall be subject to ratification by the membership at the next ensuing Annual Meeting.

11. Acquisition of Property

The Board of Directors may acquire and take by purchase, donation, devise, lease or otherwise, real and personal property as permitted by the Act, and may sell, exchange, mortgage, lease, let, improve and develop the same, and erect and maintain thereon any necessary buildings, and take in gift of real and personal property, whether subject to any special trust or not, for any one or more of the objectives of the Society, provided that any purchase or sale of any real and personal property or buildings shall be approved by the membership at a general meeting of the Society or authorized by an extraordinary resolution or referendum of the Society.

12. Documents and Records

All books, documents and other records of the Society shall be kept in the office of the Society and may be examined by any member in good standing upon giving the Chair of the Board of Directors, or the Executive Director, due notice in writing, providing such action complies with the Society's Code of Ethics.

13. Amendments to Constitution and By-laws

Amendments of the Constitution and By-laws shall be made by a special resolution passed by a two thirds (2/3) affirmative vote of the votes cast at a duly called meeting of the Membership Council, notice of which shall be given four (4) weeks in advance and shall include a statement of the proposed change.

14. Interpretation of the Constitution and By-laws

The Chair shall have authority to interpret this Constitution and By-laws and any rules adopted in accordance with the Constitution and By-laws, and his or her interpretation shall be conclusive and in full force and effect, unless reversed or changed by the Executive, the Board of Directors or the Annual Meeting.

15. Seal of the Society

The Society will have a Common Seal, to be affixed to documents as directed by the Board of Directors. It will be kept by the OSRP office. The Seal may be used only in conjunction with the signatures of the Chair and the Secretary. From time to time, the Board of Directors may designate the Registrar, or the Chair of the committee responsible for membership, to co-sign such documents.

16. Relationship to Outside Organizations

The Board of Directors may appoint members to other organizations with whom the Society wishes to have a formal relationship. Members so appointed may be considered ex-officio members of the Board of Directors.

Dated: March 25th, 1993 at Toronto, Ontario
Revised: November 18, 1995
Revised: November 15, 1996
Revised: November 15, 1997
Revised: November 6, 1998
Revised: November 12, 1999
Revised: November 17, 2000
Revised: November 16, 2001
Revised: November 14, 2003
Revised: November 20, 2004
Revised: November 19, 2005
Revised: November 18, 2006
Revised: March 23, 2007
Revised: November 17, 2007
Revised: November 22, 2008
Revised: November 20, 2009
Revised: October 29, 2010
Revised: November 18, 2011
Revised: November 16, 2012
Revised: November 15, 2013
Revised: November 13, 2015 (logo and fonts only)
Revised November 16, 2018
Revised April 26, 2019
Revised November 24, 2019
Revised November 22, 2020
Revised November 21, 2021
Revised November 18, 2022

Appendix A

Code of Ethics

The Ontario Society of Registered Psychotherapists is committed to the continuing development of ethically responsible and self-reflective psychotherapists. Our membership is comprised of a variety of unique and diversely oriented psychotherapists who come together to share ethical principles by which we identify ourselves.

Members of OSRP in their professional conduct

1. conduct their professional practices with honesty and integrity;
2. maintain privacy and confidentiality with respect to their clients;
3. maintain the therapeutic relationship without exploiting it for social, personal, or financial gain;
4. maintain awareness of the impact of their behaviour both during the course of therapy and afterward, and avoid any action that uses the imbalance of power to exploit the client for their own personal ends;
5. commit themselves to the evolving process of ethical thinking and to finding ethical solutions to problematic situations;
6. assume responsibility for their own emotional, mental, and physical health;
7. are responsive to the community and the society in which they work and live, and they contribute to their communities in ways consistent with their skills and interests;
8. recognize and respect the diversity to be found among themselves and clients and uphold the value of freedom of expression
9. recognize and respect that their diverse personalities, styles and training backgrounds contribute to positive therapeutic opportunities for clients and to the growth of the profession as a whole;
10. recognize the value of constructive dissent to enhance both clinical research and professional development and work professionally, critically and creatively with the inherent tensions to which such dissent challenges them.

OSRP members are bound by the Professional Practice Standards of the College of Registered Psychotherapists of Ontario. If a therapist belongs to another college, they will be bound by the standards of that college.

Appendix B
Standards of Practice
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Acknowledgement

This first edition of the Standards of Practice took three years to complete. The task could not have been accomplished without the dedication, hard work and determination of the Standards of Practice Committee. Appreciation and gratitude are owed to them. They are David Schatzky, Debbie Barman and Nancy Hunter.

As well, I wish to thank the OSP Executive Committee, the OSP Board and the OSP Chairpersons and committee members for their conscientious reading of the document and their invaluable contributions, which enabled the committee to tease out subtle interpretations of the standards for greater clarification.

Judith Dales
Committee Chairperson
June 2001

INTRODUCTION

The Ontario Society of Registered Psychotherapists Standards of Practice provides a basic framework of ethical standards for OSRP members' professional interaction with clients. The Standards of Practice are the guidelines within which the members carry out their clinical practice and professional conduct.

The OSRP Standards of Practice promote the pursuit of excellence in practicing the art of psychotherapy by all its members. They encourage ongoing education, supervision, self-reflection, critical thinking and creativity.

The Standards of Practice recognize that OSRP members offer a variety of theoretical and clinical approaches to psychotherapy. This document sets forth basic standards that apply to all approaches.

In this document, member refers to clinical, qualifying, student and retired categories of membership in OSRP. Client refers to all clients, including individual, couple, family, and group; it also includes students and supervisees.

This document is divided into three sections. Section A sets out basic guidelines for professional practice and conduct based on principles contained in the OSRP Code of Ethics. Section B focuses on basic standards, which apply to the practical aspects of conducting a psychotherapy practice. Section C provides suggestions for enhancing members' awareness of their responsibility to the profession, to themselves, and to the community.

The Standards of Practice were developed through discussions with the OSRP Executive, Board and Committees, taking into account member needs at the current stage of our Society's development. These guidelines were developed through examination of the Regulated Health Professions Act. The standards of practice of related professional organizations were also consulted. Standards will be periodically updated in response to members' feedback and the needs of the Society as it grows and develops.

It should be emphasized that the Ontario Society of Registered Psychotherapists is a professional organization, not a licensing body. Its members are expected to maintain a high standard of ethical practice and the details of such practice, including legal issues, are the responsibility of the individual psychotherapist.

Section A: Professional Practice and Conduct

The Client/Therapist Working Relationship

Members conduct psychotherapy and communicate with clients about the process of therapy in a clear and straightforward manner. This is done by

- 1.1 Informing clients at the beginning of therapy about the terms and conditions of the therapeutic frame.
- 1.2 Keeping the schedule, duration, location of appointments and the arrangements for fee payments consistent. Any deviation from the standard frame requires a sound rationale.
- 1.3 Informing clients that the information given to members in psychotherapy is confidential, except under the following circumstances:
 - a) When clients, guardians, or legal representatives have given written informed consent to disclose. It is recommended that members inform clients how the information is to be used, who has requested it, the likely consequences of giving or not giving consent, and how to revoke consent. A time limit to the consent may be established with the participation of clients.
 - b) When mandated to disclose by law, for example, a court order.

Note: Members subpoenaed to disclose clients' records to a court, when such disclosure is deemed detrimental to the client, may advocate for non-disclosure to the courts. In this instance, members may want to seek legal advice.
 - c) When members believe that disclosure is essential to prevent physical injury to the client or others.
 - d) When members “have reasonable grounds to suspect” that “a child (is) in need of protection” from “physical, sexual and emotional abuse, neglect and risk of harm.” [Child and Family Service Act, section 72 (1)]
- 1.4 Informing clients about any change in the frequency of sessions e.g. vacation time or illness.
- 1.5 Terminating therapy through mutual agreement of client and member, whenever possible.
- 1.6 Assisting in finding appropriate professional help for clients whose needs fall outside a member's area of competence.
- 1.7 Referring clients to other professionals when a member can no longer provide therapy because of illness or retirement.
- 1.8 Providing information, on request, about the mandate and function of the Ontario Society of Registered Psychotherapists. Members inform clients where to obtain the OSRP Code of Ethics and Standards of Practice.
- 1.9 Recognizing and communicating clearly to clients the challenges to maintaining privacy when computer and telephone technologies are used, and making decisions in the best interests of clients.

Conflict of Interest and Dual Relationships

Conflict of interest has the potential to betray trust and compromise integrity. The following situations can lead to conflict of interest and should be avoided:

2.1 Dual relationships with clients.

- a) Members are advised not to enter into other professional or financial relationships with clients.
- b) Members should not accept as clients persons with whom they are having or have had a personal, professional, or financial relationship.
- c) Members recognize the particular problems that can arise in couples therapy, so they pay special attention to the therapist/client boundary. They are reminded to avoid having social relationships with client couples, and to refrain from working with couples where a conflict of interest could arise due to a previous or present professional, business, social, or family relationship with either partner.

Note: In rural settings where psychotherapists are scarce dual relationships may be unavoidable. If a member provides psychotherapy to a person with whom there is a social or business relationship special attention must be paid to preserving the therapeutic frame and preventing boundary violation. Contact between the member and the client outside the therapeutic hour should be avoided as much as possible.

2.2 Accepting gifts of more than token value.

2.3 Accepting payment for referrals.

2.4 Using information received from a client to acquire an advantage or material benefit, e.g., buying shares in a company based on “inside” information obtained in a therapy session.

2.5 Asking clients to make contributions to organizations in which the member has an interest, or requesting favours or services for him/herself.

Therapists' Responsibility to Clients

Members recognize the imbalance of power in the psychotherapeutic relationship. Therefore, members take special care to use their power in ways that are beneficial to clients.

3.1 Members ensure that their own emotional needs are being met elsewhere, so that gratification is not expected from clients.

3.2 Members refrain from using sexual, derogatory or demeaning behaviour and/or language with their clients.

3.3 Members do not engage in any form of sexual activity with clients. Such activity is considered to be sexual abuse.

Although a client's definition of acceptable behaviour may differ from the therapist's, it is the responsibility of the member to establish and maintain the boundaries and limits of behaviour for both him/herself and the client.

Sexual Abuse [Regulated Health Professions Act, Schedule 2, 52. 1.3. p.23.]

1. Sexual intercourse or other forms of physical sexual relations between the member and the client,
 2. Touching, of a sexual nature, of the client by the member, or
 3. Behaviour or remarks of a sexual nature by the member towards the client. "Sexual nature" does not include touching, behaviour or remarks of a clinical nature appropriate to the services provided.
- 3.4
- a) Members do not accept former sexual partners as clients.
 - b) Members do not pursue sexual or personal relationships with current clients.
 - c) Members do not terminate therapy to pursue sexual or personal relationships with clients.
- 3.5
- Members are aware of the continuing vulnerability of clients even after the therapy has ended. Therefore, they wait for at least 2 years after the termination of professional services before engaging in a sexual relationship with an ex-client. Even then, they are alert to the possibility of exploitation.
- 3.6
- Members do not exploit their clients financially, by encouraging them to remain in therapy longer than necessary.
- 3.7
- Members respect their clients' age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socio-economic status, legal status and gender identity.

Professional Self Care

Members attend to self care to be able to carry out their therapeutic responsibilities.

- 4.1 Members assume responsibility for their own emotional, mental and physical health. When personal matters arise that could compromise their work, they take whatever steps are necessary, including obtaining individual therapy and/or supervision.
- 4.2 Members do not engage in therapy with clients while the member is incapacitated by
 - a) alcohol or drugs or
 - b) physical, emotional or mental dysfunction.

Section B: The Practical Aspects of Psychotherapy Practice

Fees

Members inform clients clearly about the fees they charge and the manner in which they collect the fees, and are consistent in carrying out these transactions. They do so, by

- 5.1 Fully disclosing and discussing the fee structure to new clients at the beginning of therapy.
- 5.2 Establishing the method of payment of fees at the beginning of therapy.
- 5.3 Setting fees on an hourly basis, and pro-rating them accordingly.
- 5.4 Issuing receipts, on request, for fees collected.

- 5.5 Giving the client adequate notice of a change in fees, when the therapist revises the fee structure.
- 5.6 Not assessing higher fees, simply because a client's financial circumstances improve.
Note: Some members raise fees of clients who are on a sliding fee scale, but only when those clients' financial circumstances improve and if there is a pre-existing arrangement to raise fees under those circumstances.
- 5.7 Not using bartering as a method of payment.
- 5.8 Fees may be charged for missed sessions when clients fail to give the agreed-upon notice

Record Keeping

Professional practice requires that clear records of process and financial transactions be maintained in a confidential and safe manner, consistent with the values and aims of the practitioner's psychotherapeutic orientation.

- 6.1 Members might include the following material in their records:
 - Client's name, address, and telephone number(s)
 - Presenting problem(s) and relevant history
 - Dates of sessions and notes
 - Session fees and payment record
 - Legally significant disclosures (such as one that we are obliged to report or one that is related to a possible/probable court proceeding)
 - Referral of client to other professionals
 - Dates of consultation with other professionals
 - Reports and correspondence regarding the client
 - Copies of consent forms
- 6.2 Members keep records for 7 years after the last contact with clients, in accordance with the statute of limitations.
- 6.3 Members who work with minors are advised that the period of limitations for record keeping does not begin until the client is 18 years of age.
- 6.4 Members who retire keep clients' confidential records for 7 years after the last contact.
- 6.5 Members make arrangements for the appropriate disposition of clients' confidential records in the event of the member's death.
- 6.6 Members keep confidential records of sessions with supervisees.

Confidentiality of Records and Communication

To establish and maintain therapeutic trust, psychotherapists recognize the requirement of confidentiality. Therefore, members keep all client information confidential, with a few specific exceptions. Members recognise and communicate clearly to clients the challenges and limitations to

maintaining privacy when computer and telephone technologies are used. Please see The Client/Therapist Working Relationship #1.3

7.1 Members keep all client records confidential.

7.2 Members use extensive or specific client material for teaching, writing or research only if the principle of confidentiality can be suitably protected:

- a) Either through a thorough, thick disguise of the client's identity
- b) Or written informed consent
- c) Or both.

Members are obliged to use clinical judgement to determine the method of protecting client confidentiality.

Members are obliged to use clinical judgement to determine whether client material can be used without interfering with the client's therapeutic progress.

7.3 Members store and dispose of client records in ways that maintain confidentiality. They take precautions against unauthorized access to computerized client records.

7.4 Members obtain written informed consent from clients for tape or video recording of sessions.

7.5 Members provide to clients, upon request, access to their confidential records, under these conditions:

- a) Sharing only information that is not detrimental to clients and/or third parties.
- b) Withholding personal process notes and confidential information about other family members.
- c) Reviewing the notes with clients, giving appropriate explanations of the contents.

6. Members inform clients of the limits to confidentiality at the beginning of therapy.

7. Items 7.1 to 7.6 apply to private practice, agency work, training programs, supervision, case consultation and group supervision.

Advertising

When psychotherapists advertise their services, they ensure that all aspects of their advertising are accurate.

8.1 Members accurately represent their education, training, and experience relevant to their practice, by citing appropriate degrees, certification and OSRP membership status.

8.2 Members do not use misleading terms such as "Partners" or "Associates" if such partnerships or associations do not exist.

8.3 Members ensure that all materials, including professional cards, office signs, letterheads, directory listings and advertisements, are free of fraudulent or misleading information.

8.4 Members make no claims in reference to cures, results or guarantees.

- 8.5 Members represent themselves as specializing in a specific area of psychotherapy only when they can provide evidence of professional training, education or experience in that area.
- 8.6 Members identify their OSRP designation publicly and in advertising only as follows: Clinical Member, OSRP or Qualifying Member, OSRP. They do not use the initials OSRP as if it were an academic degree.
- 8.7 Members use their OSRP designation only in connection with their clinical and professional activities. They do not use their OSRP designation in connection with community, social, recreational or unrelated business activities.

Section C: Professional Responsibility, Development and Advocacy

Responsibility to Profession

Members conduct themselves with respect and dignity when interacting with clients, colleagues and the general public.

- 9.1 Members remain open to collaborating with colleagues, keeping the best interests of the client in mind.
- 9.2 Members recognize the value of creating and maintaining bridges of reciprocal communication and collaboration with professionals from other related disciplines, for example, with psychiatrists, social workers, teachers and physicians.
- 9.3 Members who learn of another member's unprofessional practice or conduct are encouraged to speak with the colleague about his/her responsibility to the client and to the profession.
- 9.4 Members exercise care when making public statements in order to foster a positive view of the profession of psychotherapy, and to avoid discrediting it.
- 9.5 Members, when publishing professional writings, assign credit to those who have contributed to those writings in accordance with professional publication practices.
- 9.6 Members engaged in clinical research involving clients follow accepted professional and legal standards.

Professional Development

In an effort to achieve and maintain a high level of professional practice, members keep up-to-date with contemporary theory, practice, and legislation.

- 10.1 Members maintain current knowledge of theoretical, clinical, and professional developments within their field(s) of specialization, or directly related to the services they provide. They do this by participating in workshops, lectures, seminars, study groups, individual or peer supervision, research, professional writing, and teaching.
- 10.2 Members are advised to maintain current knowledge of public policy and legislation on issues related to the practice of psychotherapy.

10.3 Members are required to report a set number of continuing education units yearly.

10.4 Members who offer distance psychotherapy, by telephone or computer, determine the practice and licensing requirements of the jurisdiction in which the client resides, and ensure that the member's professional liability insurance covers this professional activity.

Professional Advocacy

Members are encouraged to inform the community about psychotherapy and to advocate for the right to practice in the best interest of clients by

11.1 Disseminating information about the profession of psychotherapy through writing or speaking publicly, if the occasion arises.

11.2 Advocating for the availability and accessibility of psychotherapy when that accessibility may be threatened by proposed legislation.

3. Advocating for the right of psychotherapists to practice in the best interests of their clients when that freedom may be threatened by negative public opinion and/or proposed legislation.

Appendix C

Guidelines for the Ethical Practice of Somatic Psychotherapy

Introduction

The following guidelines have been developed to accompany the Code of Ethics and Standards of Practice, and are subject to any terms and conditions set out in these documents. We understand that no set of guidelines for somatic psychotherapy can come close to quantifying the deep knowledge of what is respectful in human interactions. We hope this document will serve as a catalyst for self-reflection and the development of creative and responsible solutions to ethical dilemmas.

Somatic psychotherapy includes diverse clinical practices that focus on helping people experience their own bodies. These felt experiences include sensory awareness, kinaesthetic perception, bodily experience of the emotions, intuition as experienced through the body, and awareness of transpersonal dimensions as well as other somatic experiences.

As somatic psychotherapists we aspire to live fully in our own bodies, to feel the richness of our sensory world, and to benefit deeply from the wisdom of processes that we do not necessarily rationally grasp.

We value the inclusion of somatic experiences in psychotherapy because we believe it enhances balance among different aspects of the self.

This document reflects work that is in the process of change and will need to be updated in response to member's feedback and the needs of the Society and profession as they both grow and evolve.

We have identified the following areas as important considerations in the ethical practice of somatic psychotherapy: Therapist Preparation, Somatic Presence, Assessing the Suitability of Somatic Psychotherapy, Consent, Relationship, Intention, Non-ordinary States of Consciousness and Sexuality.

Therapist Preparation

Only experiential training provides the personal first-hand knowledge of the delicate nuances of communication and interaction required to do somatic psychotherapy. The ways in which somatic material is played out must be experienced and examined in the context of both one's personal therapy and a training program that requires open processing of these complex phenomena.

Additional preparation includes attention to the physical needs and limitations of the therapeutic setting.

Somatic Presence

Our somatic presence is the grounding for our work with clients. Skilful somatic experience of our clients and ourselves is crucial to the ethical practice of our work. We work with clients to meet and help them in their own felt experience. While in other psychotherapy modalities therapists might rely primarily on their own cognition and emotion, in somatic psychotherapy we continually sense through our own bodies in order to do our work.

Assessing the Suitability of Somatic Psychotherapy

When assessing the use and extent of somatic techniques, including the use of touch in the therapeutic relationship, we take into consideration, review, and consult regarding the following areas of our clients' lives:

- Chronological age
- Emotional age
- Physical development, physical and health history, neurological development
- Cognitive development
- Social, ethnic, cultural, racial, factors
- Emotional history
- Touch history
- Psychiatric history
- Current emotional, physical and mental state
- Therapist's competence and history
- Availability/suitability of other therapeutic treatment options
- Involvement of other professionals in the therapeutic process
- Trauma history
- Involvement of others in the therapeutic process

We are responsible to determine to the best of our abilities that somatic therapy will be of benefit to our clients. Any areas that may present difficulty or harm are reviewed and identified and a strategy put in place to effectively deal with these areas. This assessment should be conducted at the start of therapy and on an ongoing basis throughout the therapy process. We are responsible to effectively communicate to our clients the findings of our assessment, what our recommendations are, and why we have come to these conclusions.

Consent

We communicate to our clients why we believe a somatic approach would benefit them and explain as much theory and practice as they wish to know in order to choose whether to proceed. We make it clear that a client may always say no to any intervention we might suggest, and we are not disrespectful in the face of such refusal. We also provide information about other options and/or help to explore a client's resistance to what is being offered.

We are mindful that too much information can be overwhelming. We attempt, in all cases, to join our clients in a respectful exploration of their own responses.

Consent is a fluid and ongoing process necessary to allow and encourage a client to feel what s/he really feels. Implicit in somatic psychotherapy is the notion that our bodies have valuable information for us; therefore, a client needs to have the consent of his/ her body as well as cognitive understanding in order to be able to fruitfully engage.

Relationship

The experience of the somatic psychotherapy relationship does have dimensions and considerations unique to it.

We value the inherent capacity of somatic psychotherapy to allow an attuned connection between therapist and client.

Boundary issues manifest on a somatic as well as psychological level, and this informs our understanding of the dynamics of the somatic psychotherapeutic relationship. We clearly communicate the physical and sexual limits of this relationship.

The inclusion of the body in psychotherapy adds a dimension that can also intensify relationship dynamics such as transference and counter transference.

The somatic psychotherapy process carries the possibility of powerful feelings of pleasure and gratification. Gratification could be either beneficial or detrimental. Skilful work holds this gratification within an effective theoretical framework and continuing process of assessment.

We ensure that the relationship with our clients maintains respect for the dignity of the client's person and body at all times.

Intention

Like other psychotherapists, somatic psychotherapists have a clear intention for each intervention. Although somatic psychotherapy does not always involve physical contact, given the cultural and social implications of touch, we are especially mindful to employ touch with a clear and specific therapeutic intent. We conscientiously monitor to confirm that the intended effect does occur. When it does not, we work therapeutically with the unintended results. Examples of therapeutic touch intention are to: contain, elicit or heighten awareness, ground, enliven, modify sensation, access emotion, support and comfort.

Non-ordinary States of Consciousness

Non-ordinary states of consciousness are readily evoked through the use of somatic psychotherapy. They are characterized by heightened sensitivity and awareness, both of which allow clients to access different perspectives and creative experiences. We, therefore, are particularly attuned to the potential for the occurrence of non-ordinary states of consciousness in therapeutic work and are skilled in recognizing and working with clients in these states to promote a positive therapeutic outcome.

Sexuality

Many clients experience wounding directly or indirectly through their sexual experience. Due to the increased focus on the body in somatic psychotherapy, the likelihood of the emergence of sexual issues in the therapeutic process is greatly increased. Somatic psychotherapy can facilitate clients connecting with this powerful and essential part of them. However, as sexuality is a most vulnerable and sensitive aspect of human experience, it is imperative that therapists employing a somatic approach be skilled and confidently grounded in working with both sexual energy and sexuality issues. We do not invite, elicit, respond to or allow sexual activity with clients, and we are careful not to project sexual motives on to them.

Role of Touch

When touch is used in psychotherapy, in order for it to be used appropriately, safely and effectively, each of the areas we have discussed in this document must be addressed. We are specific with our clients about what makes touch safe, what kind of touch might be used, and for what purpose.

The preceding are central areas of consideration in the practice of ethical Somatic Psychotherapy. A more detailed guide could be arrived at by a substantial clinical discussion. Skilled Somatic Psychotherapists will be familiar with the topics that we have delineated. We are also hopeful that this guideline will assist students of Somatic Psychotherapy in their professional growth and development. These guidelines may also prove helpful to psychotherapists wanting an enhanced understanding of the role of the body and somatic processes in psychotherapy.