

# *FREEDOM TO INTERACT AND BOUNDARIES THAT CANNOT BE CROSSED*

Clinton M. Campion



# PROFESSIONAL BOUNDARIES





**This is not  
legal advice**



**SEDOR WENDLANDT EVANS FILIPPI**

# **Professional Boundaries**

Purpose is to protect students, schools, and districts.

Designed to deter, detect, and discipline grooming behaviors.

Grooming is often not criminal conduct









NEWS

## Highlands High School teacher accused of behavior 'bordering on grooming'

**Brook Endale** Cincinnati Enquirer

Published 4:51 p.m. ET Nov. 30, 2021 | Updated 10:34 a.m. ET Dec. 1, 2021

[View Comments](#)



A Highlands High School teacher was terminated after being accused of inappropriate behavior, including interacting with female students in a manner "bordering on grooming."

Tommy John Lykins worked at Highlands in Fort Thomas for 12 years.

Documents from Lykins' personnel file obtained by The Enquirer detail multiple complaints about the math teacher's actions from parents, students and other teachers.

In October 2020, the school district received tip line submissions and a separate parent report concerning Lykins' actions.

Following the reports, an investigation was launched by the district.

According to documents from Lykins' personnel file, the math teacher was accused by parents and students of not observing professional boundaries with female students and his behavior was described as "bordering on grooming."

Lykins was interviewed about the allegations and denied having an inappropriate relationship with any current or previous students.

\* OBSCENE LANGUAGE

\* INAPPROPRIATE  
CONTACT ON SOCIAL  
MEDIA

\* SENDING  
INAPPROPRIATE PHOTOS

\* SEXUALLY CHARGED  
COMMENTS

## **Stages of Grooming**

Selection of victim.

Gain access to victim.

Trust development.

Increase physical contact /  
desensitize the child to touch.



**Professional  
Boundaries  
Policy**

AASB Model Board Policy  
5141.42

Prohibits staff from intruding on  
student physical and/or  
emotional boundaries

The prohibited conduct is likely  
not criminal conduct

## Boundary Invasions

School employees and volunteers are professionally and ethically obligated to maintain professional boundaries with students when working in an educator's professional role. Staff is defined as school employees and volunteers. In any staff-student relationship, staff is expected to maintain professional boundaries with students and avoid any boundary invasion which does not have a legitimate health, safety, or educational reason.

Schools must pay attention to boundary invasions and unprofessionalism because inappropriate boundary invasions by staff can morph into sexual grooming of students. If there is no legitimate health, safety, or educational reason for such boundary invasions, such boundary invasions are unwise and prohibited. Curtailing inappropriate boundary invasions reduces the opportunity for sexual grooming.

### Inappropriate Boundary Invasion Examples

Examples of possible inappropriate boundary invasions by staff members include, but are not limited to, the following:

#### *Taking an undue interest in a Particular Student:*

1. Having a "special friend or a "special relationship" with a particular student.
2. Favoring certain students by giving them special privileges.
3. Favoring certain students, inviting them to come to the classroom at non-class times.
4. Getting a particular student out of class to visit the teacher during the teacher's prep period.
5. Engaging in peer-like behavior with students including rough-housing.

#### *Using poor judgment in relation to a particular student:*

6. Allowing a particular student to get away with inappropriate behavior.
7. Being alone with the student behind closed doors at school.
8. Giving gifts or money to the student.
9. Being overly "touchy" with certain students.
10. Touching students for no educational or health reason.
11. Giving students rides in the educator's personal vehicle, especially alone.
12. Frequent electronic communication or phone contacts with a particular student.

#### *Becoming involved in the student's private life:*

13. Talking to the student about the educator's personal problems.
14. Talking to the student about the student's personal problems to the extent that the adult becomes a confidant of the student when it is not the adult's job role to do so.
15. Initiating or extending contact with students beyond the school day in a private or non-group setting.
16. Taking a particular student on personal outings, away from protective adults.
17. Using email, text-messaging, instant messaging, or social networking to discuss personal topics or interests with students.

#### *Not respecting normal boundaries:*

18. Invading the student's physical privacy (i.e., walking in on the student in the bathroom).
19. Inviting students to the educator's home.
20. Visiting the student's home.

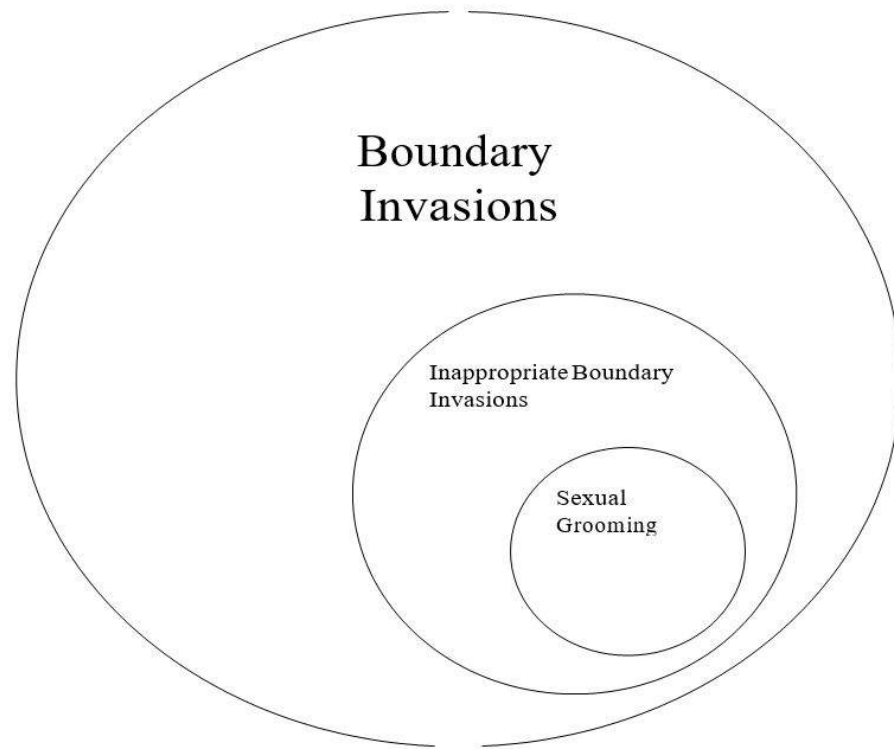
# AASB Model AR 5141.42

- Specific Examples of Potential Boundary Invasions
- Emphasizes Mandatory Reporting Requirements



# AASB Model E-5141.42-1

- School Employee Training Handout – School Guidelines for Preventing Sexual Abuse Against Students



# Inappropriate Boundary Invasions

Conduct which under the totality of the circumstances does not have a valid and *bona fide educational, health, or safety reason*

Boundary Invasions occur when an educator does not respect a students' personal physical and psychological boundaries

Not all boundary invasions are inappropriate or result in sexual misconduct



# Basic Principles



Professionalism is the best protection



Educators must not rely upon students to meet their own social needs



Relationships with students cannot be equal or even



Educator is responsible to establish professional boundaries

# Guidelines

Classroom doors  
should have  
windows

Windows should  
not be covered

Educators should  
not meet along  
with students  
unless it is their  
job

Educators should  
not initiate hugs  
with students

Educators should  
not give gifts to  
individual  
students

Educators should  
not visit student  
homes



# AASB Model E

## 5141.42-2

### ◦ Administrative Response “First Day” Checklist

#### E 5141.42-2 ADMINISTRATIVE RESPONSE CHECKLIST

This checklist identifies proactive, best practices and subjects to consider in addressing situations in which a school employee has been accused of inappropriate boundaries or sexual misconduct involving a student.

**Overall duties:** A school district has three duties in relation to allegations of such misconduct. First, **protect any students** involved. Second, **investigate** the allegations. And third, **take action** after the investigation where appropriate. There may be many moving parts to the school district's response to the allegations. It is best that district administration is guided through the process by an attorney with an understanding of how school districts should respond to such situations.

**The size of the problem:** There are big problems and little problems with employees ignoring professional boundaries. Be cautious. What looks like a little problem may be the tip of the iceberg of an even bigger problem. There may be a pattern of other boundary invasions that school employees are not aware of.

When there are allegations of something that appears minor, it may be appropriate to have site administration do any investigation. It may also be appropriate to forego placing the employee in question on administrative leave. Outside help may be called in at any point. If it becomes apparent that the problem is a bigger problem, District Office should be consulted.

The checklist below may assist in determining whether the problem is a big problem or little problem in consultation with an attorney, superintendent, insurance person, and site administrator.

##### First Day Checklist

1. **First notice:** When a site or District Office administrator hears of an allegation that an employee has engaged in inappropriate boundary invasions or sexual misconduct with a student that administrator should promptly do the following:
  - a. Do not immediately investigate. Others will do that. **Obtain specific information about what is alleged from the person making the initial report** when that person makes the initial report. (Write down the information.)
  - b. Do not immediately inform the employee whose conduct is in question. Others will do that.
  - c. Without delay, **report the allegations to the Superintendent or designee.**
  - d. Other than meeting mandatory reporting duties, administrator reporting the situation should **hold off doing anything** after this, unless instructed, other than **seeing to it that the student is protected.** There may be other steps site administration is asked to take, like taking part in placing an employee on administrative leave.
2. **Mandatory reporting and discussion with law enforcement** has either occurred or occurs. ([A.S. 47.17.020](#) and Board Policy 5141.4) When appropriate make a report to Office of Children's Services (OCS) and/or law enforcement. If sexual misconduct involving touching is alleged, law enforcement should be called. Document these conversations.
  - Inform law enforcement that the employee will be placed on administrative leave by the end of the day, if that is to occur. They may want to speak with the employee first.
  - Also let law enforcement know you need to report to the parent. They may ask you to hold off to allow them to make the contact.
3. **Contact insurance.** Many insurers will want to take part in any investigation and in some circumstances will pay for the investigation.
4. **Contact legal counsel.** This may be a person insurance puts you in contact with.
5. **Teleconference call to plan response:** This call would include the attorney who will be guiding the school district through the process, the Superintendent, possibly the insurance person, and the administrator who received the initial notice of the allegations. The purpose is to plan the school district's response to the allegations and assure that each person knows their role. Depending on the situation, the following items might be discussed:
  - a. Discuss **investigation:**
    - 1) Identify who will investigate. With big problems and potential big problems, an outside investigator is preferred where feasible.
    - 2) Preliminarily, identify people who should be interviewed.
    - 3) Gather records for the investigator to review including board policies and procedures, professional boundaries training records for the employee, site administrator's notes of the initial report, and the personnel file of the employee in question, including any prior discipline.
  - b. Review the collective bargaining agreement governing employment of each employee whose conduct is at issue to determine whether there are any applicable requirements.
  - c. Determine whether the employee will be placed on **administrative leave.** If it seems that you are dealing with sexual misconduct or a pattern of inappropriate boundary invasions, administrative leave may be warranted. If it seems you are dealing with a minor, isolated incident, it may be a little problem that you are dealing with.

# “FIRST DAY” CHECKLIST



DO NOT INVESTIGATE THE  
COMPLAINT BEFORE  
REPORTING.



CONTACT INSURER.



CONTACT LEGAL COUNSEL.



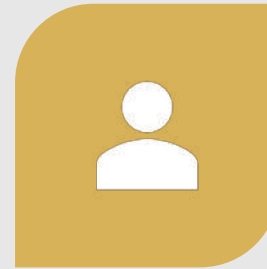
# **“FIRST DAY” CHECKLIST**



**DEVELOP  
INVESTIGATIVE  
PLAN**



**NOTIFY PARENT  
OR GUARDIAN**



**PLACE EMPLOYEE  
ON  
ADMINISTRATIVE  
LEAVE**

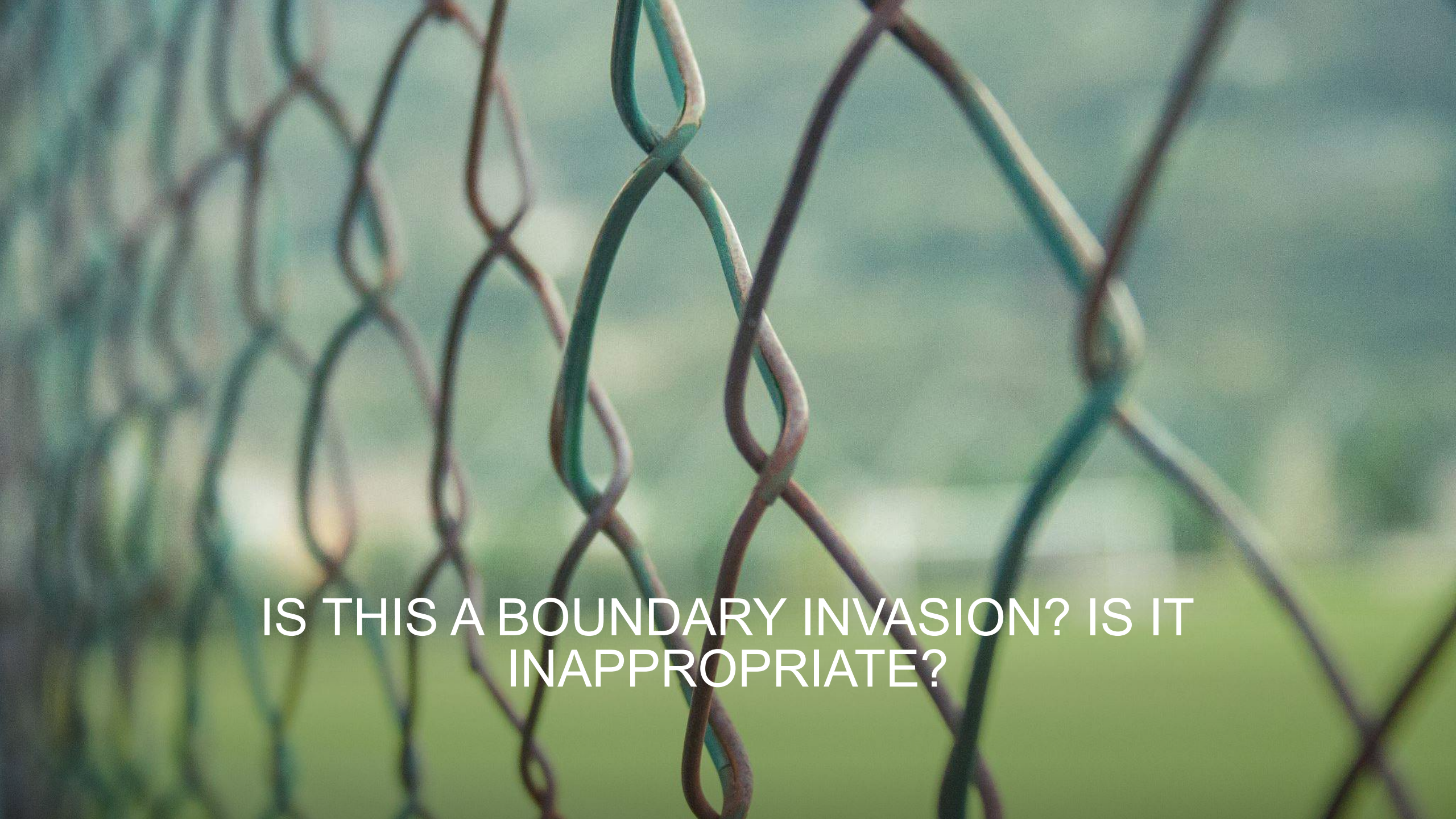


**DEVELOP  
COMMUNICATIONS  
PLAN**

A photograph of the Berlin Wall. A man stands on top of the wall with his arms raised in a celebratory gesture. Behind him, a long line of people sits on the wall, looking towards the camera. The wall is covered in graffiti and has a sign with German text. The sky is overcast.

ALL BOUNDARIES  
ARE NOT EQUAL





IS THIS A BOUNDARY INVASION? IS IT  
INAPPROPRIATE?





BOUNDARY INVASION? INAPPROPRIATE?



**BOUNDARY INVASION?  
INAPPROPRIATE?**





BOUNDARY INVASION? INAPPROPRIATE?





BOUNDARY INVASION? INAPPROPRIATE?









BOUNDARY INVASION?  
INAPPROPRIATE?





BOUNDARY INVASION? INAPPROPRIATE?





BOUNDARY INVASION? INAPPROPRIATE?

# Conclusion



QUESTIONS?



COMMENTS?



COMPLAINTS?