FREEDOM TO INTERACT AND BOUNDARIES THAT CANNOT BE CROSSED

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PROFESSIONAL BOUNDARIES
This is not legal advice
Professional Boundaries

Purpose is to protect students, schools, and districts.

Designed to deter, detect, and discipline grooming behaviors.

Grooming is often not criminal conduct.
Highlands High School teacher accused of behavior 'bordering on grooming'

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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.
Stages of Grooming

- Selection of victim.
- Gain access to victim.
- Trust development.
- Increase physical contact / desensitize the child to touch.
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 as 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 unwelcome 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.
  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 in a way 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
Boundary Invasions

Inappropriate Boundary Invasions

Sexual Grooming

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 student's 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
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
E 5141.42-2 ADMINISTRATIVE RESPONSE CHECKLIST

This checklist identifies procedures, tasks, and subjects to consider in acknowledging situations in which a school employee has been accused of inappropriate behavior or sexual misconduct involving a student.

General Policy: A school district may take action in relation to allegations of such misconduct. First, protect any students involved. Second, investigate the allegations. Third, take action after the investigation is complete. This may include matters to be investigated by the district or by the school district's response to the allegations. To this end, the district administration must work through the process by an attorney with an understanding of school district responses to similar issues.

The nature of the problem: There are two problems and little problems with employees and sexual misconduct situations. Both situations can create significant problems for the district. The problem of a bigger problem may be the result of the system's inability to solve a bigger problem. There may be a pattern of similar situations where school employees are not involved.

When there are allegations of sexual misconduct, it may be appropriate to have site administrators and site investigators interview the employee in question to determine if there is any evidence of school district responses to similar issues. Schools may need to be assessed.

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

First Day Checklist

1. First notice: When a school or district office administrator knows of an allegation that an employee has engaged in inappropriate behavior or sexual misconduct with a student, the administrator should consult with the following:
   - Do not immediately investigate. Others will do so.
   - Do not immediately inform the employees whose conduct is in question. Others will do so.
   - Do not immediately report the allegations. The district administration should hold off reporting anything after this, unless instructed.
   - Do not reporting the allegations.
   - Do not report the allegations.

2. Monthly reporting and discipline: With law enforcement agencies, reporting the allegations should not be delayed. If sexual misconduct involving students is alleged, the employee's actions should be reviewed.

   - Do not immediately inform the employees whose conduct is in question. Others will do so.
   - Do not report the allegations.
   - Do not report the allegations.
   - Do not report the allegations.

3. Contact insurance: Any errors will result in parting investigations and in some circumstances will pay for the investigation.

4. Contact legal counsel: There may be a person who can be the contact.

This checklist identifies procedures, tasks, and subjects to consider in acknowledging situations in which a school employee has been accused of inappropriate behavior or sexual misconduct involving a student.

AASB Model E
5141.42-2

- Administrative Response “First Day” Checklist
“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
ALL BOUNDARIES ARE NOT EQUAL
IS THIS A BOUNDARY INVASION? IS IT INAPPROPRIATE?
BOUNDARY INVASION? INAPPROPRIATE?
BOUNDARY INVASION? INAPPROPRIATE?
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INAPPROPRIATE?
BOUNDARY INVASION? INAPPROPRIATE?
BOUNDARY INVASION? INAPPROPRIATE?
Conclusion

QUESTIONS? COMMENTS? COMPLAINTS?