

# VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

## CHAPTER 450

*An Act to amend and reenact § 22.1-291.4 of the Code of Virginia, relating to school board policies; abusive work environments; definitions.*

[H 2176]

Approved March 30, 2021

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-291.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-291.4. Bullying and abusive work environments prohibited.**

**A. As used in this section:**

*"Abusive conduct" means conduct of a school board employee in the workplace that a reasonable person would find hostile and that is severe enough to cause physical harm or psychological harm to another school board employee based on a determination in which the following factors are considered: the severity, nature, and frequency of the conduct and, when applicable, the continuation of the conduct after a school board employee requests that it cease or demonstrates outward signs of physical harm or psychological harm in the face of the conduct. "Abusive conduct" includes verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; the gratuitous sabotage or undermining of another school board employee's work performance; attempts to exploit another school board employee's known psychological or physical vulnerability; or repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, or epithets. "Abusive conduct" does not include (i) a single act, unless it is especially severe, or (ii) conduct that the school board proves with clear and convincing evidence is necessary for the furtherance of its legitimate and lawful interests.*

*"Abusive work environment" means a workplace in a school division in which abusive conduct occurs.*

*"Physical harm" means a material impairment of a school board employee's physical health or bodily integrity, as documented by a licensed physician or another licensed health care provider.*

*"Psychological harm" means a material impairment of a school board employee's mental health, as documented by a licensed psychologist, psychiatrist, or psychotherapist or another licensed mental health care provider.*

**B. Each school board shall implement policies and procedures to educate school board employees about bullying, as defined in § 22.1-276.01, and the need to create a bully-free environment.**

~~B.~~ **C. Each school board shall adopt policies to:**

- 1. Prohibit abusive work environments in the school division;**
- 2. Provide for the appropriate discipline of any school board employee who contributes to an abusive work environment; and**
- 3. Prohibit retaliation or reprisal against a school board employee who alleges an abusive work environment or assists in the investigation of an allegation of an abusive work environment.**

**D. Nothing in this section shall be construed to limit a school board's authority to adopt policies to prohibit any other type of workplace conduct as the school board deems necessary.**