

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 2176]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-291.4 of the Code of Virginia is amended and reenacted as follows:**8 **§ 22.1-291.4. Bullying and abusive work environments prohibited.**9 **A. As used in this section:**

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

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

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

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

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

31 ~~**B. C. Each school board shall adopt policies to:**~~32 **1. Prohibit abusive work environments in the school division;**33 **2. Provide for the appropriate discipline of any school board employee who contributes to an abusive**
34 **work environment; and**35 **3. Prohibit retaliation or reprisal against a school board employee who alleges an abusive work**
36 **environment or assists in the investigation of an allegation of an abusive work environment.**37 **D. Nothing in this section shall be construed to limit a school board's authority to adopt policies to**
38 **prohibit any other type of workplace conduct as the school board deems necessary.**

ENROLLED

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