



Investigation of Bias-Motivated Event on a Jobsite

1.0 Introduction

The following procedures pertain to harassment and bias-motivated incidents on Consigli jobsites. Bias-motivated events are acts that are directed at an individual, or a group of individuals, based on perceived or actual membership in a protected class, including (but not limited to) race, religion, gender, gender identity, sexual orientation, class, ethnicity, age, and/or disability (a “Bias-Motivated Incident”). Some Bias-Motivated Incidents rise to the level of hate crimes as determined by local authorities.

Examples of Bias-Motivated Incidents include bullying, destruction, damage or vandalism of property, intimidation, graffiti or symbol(s) depicting hate (e.g., a noose, confederate flag, or swastika), issuance of derogatory leaflets, threats and/or acts of violence. Click on this [link](#) to access the Anti-Defamation League database of hate symbols.

It is important to recognize that acts which are reasonably interpreted by any person as acts of racism, sexism, hate, intimidation or which otherwise make an individual feel threatened will be considered a Bias-Motivated Incident, regardless of the intent of the person(s) performing the act.

The following procedures support Consigli’s efforts to clearly communicate zero tolerance for harassment or bias in any form or manner, and how we intend to respond to such incidents if they do occur.

2.0 Policy Implementation

- 2.1 Share Zero Tolerance Guidelines: Communicate clearly to all employees, clients, subcontractors, trade unions, designers, consultants and other business partners that Consigli has zero tolerance for hate and will speak out and take action against harassment and bias.
- 2.2 Take Immediate Action: Ensure that anyone who witnesses a Bias-Motivated Incident understands the responsibility to report the incident. It is best to keep the identity of the reporter confidential.
- 2.3 Investigate Every Incident: While something may not feel offensive to you, it does not mean that it is not to others. Any Bias-Motivated Incident will be investigated and, if necessary, referred to law enforcement.
- 2.4 Preserve Evidence: While it is understandable that someone would want to remove racist graffiti or wash away threatening language, it is critical that evidence is preserved to support an investigation. If the act is truly offensive, it is best to limit access and visibility to the area during the investigation phase.
- 2.5 Hold People Accountable: After a thorough investigation, any identified offenders will face swift disciplinary action up to and including termination and/or permanent ban from our job sites.
- 2.6 Implement Corrective Action: Take measures to ensure that Bias-Motivated Incidents are not repeated. Provide additional training to the workforce as needed. When appropriate, communicate the results of the investigation and the action taken as a deterrent to future Bias-Motivated Incidents.

Consigli Construction Co., Inc.

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3.0 Investigation Procedure, Documentation and Actions

- 3.1 Upon receipt of notice of that an Incident has occurred or may have occurred, the Project Superintendent will **immediately** notify Mike Haseltine, Vice President of Field Operations and Steve Gentilucci, DEI Steering Committee Member.
- 3.2 The Vice President of Field Operations will notify the DEI Steering Committee Members (Matthew Consigli, President; Scott Lerner, Vice President of Finance Vice President of Finance/Chief Financial Officer; Mike Fales, Head of Human Resources; and Steve Gentilucci, General Manager).
- 3.3 Mike Haseltine or Steve Gentilucci will assign one of the Safety Officers to investigate the reported Bias-Motivated Incident.
- 3.4 The Safety Officer assigned to the investigation will document by completing the [Bias-Motivated Incident Report](#) as soon as possible. The completed report shall be immediately sent by the Safety Officer to the DEI Steering Committee for further action.
- 3.5 The DEI Steering Committee will review and determine the appropriate responsive action, including whether and to the extent further investigation is required. When appropriate, the DEI Steering Committee will seek advice and input from the Chief Legal Officer (Bob Lizza) or his designee. The Chief Legal Officer will determine the appropriateness of engaging outside counsel to conduct an independent investigation of a Bias-Motivated Incident or whether notification of law enforcement is required.
- 3.6 The DEI Steering Committee will inform the project team (Project Executive and General Super) of the recommended actions and the project team is then responsible for implementing the required action(s), which may include, depending on the severity of the event:
 - **Toolbox Talk:** Discuss the incident with the workforce during scheduled huddles.
 - **Project Stand Down:** All workers on site dedicate time to focus on the incident, why it is unacceptable, the responses and the consequences.
 - **Re-Orientation of Workforce:** Provide live or video re-training of the workforce with respect to their obligations to avoid and report harassment and bias-motivated conduct.
 - **Suspension of Work:** When deemed necessary as response to a heinous or outrageous Incident, e.g., a noose or repeat severe offenses, it may be necessary to suspend work on a site. This sends a clear signal of commitment and action. Workers must understand why the work is pausing and what is expected of them upon return.
 - **Permanent removal of offender(s)** from the project site.
 - **Working with Union B/As** to inform them of the incident and suggest they take action against the offender(s) or other corrective measures.
 - **Referral to Local Law Enforcement:** Some incidents may raise to the level of a criminal violation under local, state and federal anti-hate laws. The DEI Steering Committee will consult with the Legal Department to determine whether notification of law enforcement is appropriate.

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4.0 Incident Log and Recording of Precedents

- 4.1 The DEI Steering Committee shall maintain a log of all reported Bias-Motivated Incidents, which shall include a summary of the primary findings of the Committee resulting from the investigation, the Committee's disposition of the Bias-Motivated Incident, and the actions taken by the Committee to resolve the incident.
- 4.2 When considering the appropriateness of actions to be taken in response to a Bias-Motivated Incident, the DEI Steering Committee will use best efforts to maintain proportionality and to treat each disposition in a manner consistent with the disposition of prior similar incidents.