

**In the Matter of Arbitration Between:**

Connecticut Police and Fire Union, CPFU  
and

The State of Connecticut, University of Connecticut

OLR File No. 09-4600

CPFU No. 22-144

Grievant: Peter Zavickas

BEFORE: Sarah Cannon Holden, Esq.

**APPEARANCES:**

State of Connecticut: Eric Peterson, Esq.

Union: Barry Scheinberg, Esq.

Place of Hearing: 450 Capitol Avenue, Hartford, CT 06106

Date of Hearing: February 27, April 6, May 10, May 23, July 13, July 19, 2023

Briefs: September 8, 2023

Reply Briefs: September 22, 2023

Date of Award: October 20, 2023

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**ISSUE.**

The parties agreed to submit the following issue for decision:

“Was the Grievant, Peter Zavickas, terminated for just cause?

“If not, what shall be the remedy consistent with the NP-5 Contract?”

**RELEVANT CONTRACT PROVISIONS, POLICIES and LETTERS.**

**Standard Operating Procedures, 20140-Attention to Duty-O provides:**

“Employees neglecting to report any other employee of the Department known to be guilty of a violation of any rule, regulation or order issued for the guidance of this department or federal or state law, shall be deemed in violation of this directive and subject to disciplinary action.”

**LETTER FROM UCONN PRESIDENT.**

“A key element in assuring University-wide compliance is a system for reporting potential violations.... Any University employee who observes a possible violation of law, regulation, policy or approved procedure has an obligation to report it....” (Jt. Ex. #5)

## **UConn Ethics Statement**

"...violation of the standards in the Code of Conduct may result in appropriate disciplinary measures up to and including dismissal."

## **Campus-wide Standards**

### **Conduct of Faculty, Administrators and Staff**

..."Relationships of an inappropriate personal nature between supervisors and those they supervise are prohibited."

### **Civility**

..."Engaging in behaviors that harass, intimidate, bully, threaten or harm another member of the University community does not support a respectful and civil work environment."

The Whistle Blower Act provides an alternative way to report matters of concern. As a general rule if an employee makes a report in good faith the University "prohibits retaliation". If an employee feels s/he has been subjected to retaliation s/he "should contact the Compliance Office immediately. The Compliance Office will respond to all reports in a timely manner in order to resolve any non-compliance and to educate regarding compliance concerns."

### **Inappropriate Amorous Relationships**

"For the purposes of this Policy, 'amorous relationships' are defined as intimate, sexual and/or any other type of amorous encounter or relationship, whether casual or serious, short-term or long-term."

### **Stalking**

"Stalking means engaging in a course of conduct directed at a specific individual that would cause a reasonable person to fear for their safety or the safety of others and/or for the individual to suffer substantial emotional distress.

"Stalking includes unwanted, repeated or cumulative behaviors that serve no purpose other than to threaten, or cause fear to another individual.

"Common stalking acts include, but are not limited to: harassing, threatening or obscene phone calls, excessive and/or threatening communication, following, vandalism of personal property and/or leaving/giving unwanted gifts or objects. Stalking includes cyberstalking.

## BACKGROUND.

The Grievant, Peter Zavickas, has been a police officer with the University of Connecticut since October 2004 when he was assigned to the Storrs campus. In 2016-2017 he volunteered to transfer to the Avery Point Campus in Groton, Connecticut where he was working at the time of the circumstances leading to his termination. The grievant testified that the Avery campus is small and away from the politics going on at Storrs.

During the summer of 2019 the grievant began to suspect that Hans Rhyhart, Associate Vice President of Public Safety and Chief of Police, and [REDACTED], Human Resources [REDACTED] [REDACTED] were involved in what he believed to be a personal relationship forbidden by the rules and regulations governing the conduct of supervisors in the UConn Police Department. [REDACTED] had joined the UConn Police Department in June 2019 in a new department position. Previously she and Rhyhart had known each other and were enrolled in the University's MS in Human Services Management program.

Before reporting his concerns to authorities in the Police Department, the grievant observed some of the comings and goings of both parties. He monitored the campus video and observed them directly on and off campus. He also took photographs of their cars when parked at off-campus locations where he viewed them on multiple occasions. On May 29, 2020 the grievant filed an anonymous report through the UConn Reportline, a private non-University service for "good-faith reporting of compliance concerns...."

In that report he presented a series of observations and rumors involving Rhyhart in an inappropriate relationship with [REDACTED]. He alleged that the Chief created a job for [REDACTED] and then set her up in an office next to his; that in November 2019 they went to the Chief's house in Vermont for two days before Thanksgiving but did come on Wednesday; that he noticed salt on her car and tires; that they leave work at the same time and go in the same direction though they do not live in the same direction; and that he observed them on several occasions parked in lots at exits off of Route 84 among other allegations.

He provided a detailed report of his observations of them meeting in off-campus locations. He encouraged OIE to take a close look at the Chief's state phone. On June 1, 2019 the

report was referred to Alexa J. P. Lindauer, JD, Associate Director of Investigations, Office of Institutional Equity (OIE) "as the allegations of the anonymous report, if true, could constitute a violation of the *Policy Against Discrimination, Harassment and Related Interpersonal Violence's* prohibition regarding amorous relationships between supervisors and subordinate employees." (Jt. Ex. #14)

Lindauer responded to John Doe (the grievant) on June 10, 2020. In that letter she wrote that she has several questions. She also asked that any "additional information, including any documents or other evidence, that you can provide, please send it directly to me at your earliest convenience." (Jt. Ex. #9). She asked that he share "any other information that you believe could be helpful to OIE in its investigation." John Doe responded to her questions saying that almost anyone in the Police Department can clearly observe the relationship; that he has photos of their cars; that he believes they get into one of their cars to leave for a hotel/motel; that another employee told him that the Chief and [REDACTED] vacation together; and that because of the Chief's position people are afraid to speak up. He repeated earlier allegations and rumors that he has heard. The grievant testified that Lindauer never told him to stop what he was doing. She was asking for more information.

The OIE investigation involved interviews with the two individuals named in the anonymous report and with Deputy Chief Andrew Fournier. The OIE report completed on June 18, 2019, (Jt. Ex. 14) reported that both Rhyhart and [REDACTED] denied that they had any sort of an amorous relationship. Rhyhart testified that [REDACTED], in her new role, helped to institute some Division changes that were not popular amongst all employees. He could recall meeting [REDACTED] once at a parking lot to receive a birthday gift of beer which is not allowed in Police Department offices. He could not recall meeting her at a parking lot on any other occasion. He further denied that she had ever been at his home in Vermont. He stated that [REDACTED] reported to Renee Boggis, Director of Human Resources Leadership and Effectiveness but that he, Rhyhart, "along with other managers in the Division provided Ms. [REDACTED] with direction in her day-to-day tasks."

[REDACTED] stated that the only time she recalled meeting Rhyhart outside of work was when they met at a parking lot so she could give him a birthday present. She denied ever going

to his Vermont home. She also stated that she “was aware there were people within the Department who ‘do not appreciate’ her or the work she is doing.”

Deputy Chief Fournier described their relationship as “a professional working relationship.” He denied ever witnessing anything out of the ordinary or that would lead him to believe that they were engaged in an amorous relationship. The three of them often left work at the same time and the Chief “encouraged all employees to take time off during the week of Thanksgiving 2019.”

Lindauer concluded her report with a finding that Rhynhart and [REDACTED] have known each other for many years but that her investigation did not uncover any evidence of an amorous relationship. She found that the fact that they met “at a commuter lot on one occasion, without additional information, does not support that they were in an amorous relationship.” She found that “there is not information to conclude they were engaged in an amorous relationship.” (Jt. #14)

She closed her report with a reminder of the University’s *Non-Retaliation Policy*. The grievant testified that he learned through the ALERTLINE that OIE had completed its report, but he did not know the specific findings or who had been interviewed until he submitted a FOIA request for the report which he received in February 2022. He testified that he could assume the outcome because nothing changed. OIE did not provide the report to him as he is a “reporter” not a “complainant”. Such reports go only to a complainant and the “respondent(s)”, Rhynhart and [REDACTED].

The next documented event was on August 22, 2020 when an anonymous letter from “The Movement for No-Confidence Vote” was sent to Deputy Chiefs Fournier and Silver, UConn Fire Chief Perez, UConn Fire Deputy Chief Renshaw, UConn OIE, UConn Rainbow Center, Hartford Campus Director and hand delivered to Lt. Allen and Delello, UConn’s HR Director, and Channel 8 News. The letter was directed at Chief Rhynhart.

On August 26, 2020 Zavickas sent an anonymous letter with photographs of Rhynhart and [REDACTED] cars together in different locations to UConn branch location police departments. That letter contained allegations of an ongoing inappropriate amorous relationship. He alleges that when support staff was expected to work from home during Covid, [REDACTED] continued to

come to work. He stated that he has "more pictures and video of these two which will prove they are having a sexual relationship." (Tab D). He alleges that they spent time in 2019 "up north during the week of Thanksgiving." He states that this is "also a University policy violation, which should be addressed." ...The public has a right to know so this information, along with photos and videos will be forwarded to the media.... Sorry for the embarrassment this will cause your families." (supra)

According to uncontested testimony or any contrary evidence, the two letters were not sent by the same person(s). The grievant, acknowledged that he sent the second letter, later found on his computer, but not the first. He also testified that there was no coordination between him and those sending the August 22 letter.

Captain Justin Gilbert testified that in September 2020 the UConn Police Department began an internal administrative review to try to determine who was involved in sending the letters. He was joined by Lt. Dan Gigliotti, Lt. Matt Zadrowski and Lt. Darren Cook. Lt. Cook and Lt. Gigliotti have since retired. From the photographs sent with the August 26, 2020 anonymous letter, the officers were able to identify who took the photographs by a nozzle on the hood of the car from which the photograph was taken. The nozzle was from a black Honda Pilot. They reviewed campus cameras on the day of the photograph and determined that the license plate on the car in question belonged to Zavickas. In October they also looked into Zavickas' camera system usage and found that between September 30, 2019 and October 21, 2020 he was logged into the Genetec system for 966 hours. Gilbert testified that this just means that the camera is on; it does not mean necessarily that anyone was looking at it. Most of the time the camera was focused on the Storr's campus and not the Avery campus where the grievant worked. At the arbitration hearing Gilbert reviewed how the camera recordings are analyzed and how he could identify when the grievant was looking at Rhynhart and/or [REDACTED] movements within the system. The State submitted documents showing the grievant's extensive usage of the camera system to review the comings and goings of Rhynhart and [REDACTED]

In October 2020 another round of anonymous letters was sent with photographs. On October 19, 2020 the grievant sent the same August 2020 anonymous letter to Beth Rhynhart, Chief Rhynhart's wife, and on October 27, 2020 to the President of the University of Connecticut.

Gilbert testified that his investigation covered the period from September 2019 to October 2020 during which time he found that the grievant followed Rhynhart and [REDACTED] six (6) times which included the time he drove by their houses.

At the end of October Gilbert's Internal Affairs Investigation made a decision to confer with the State's Attorney's Office. Ultimately an arrest warrant was issued.

On November 10, 2020 Deputy Chief of Police Andrew Fournier hand delivered Officer Zavickas a letter placing him on Paid Administrative Leave due to "your arrest including charges of Stalking, including electronic Stalking, Computer Crimes and Harassment." (Jt. Ex. #1). When he was placed on leave the Grievant's police powers were suspended, he relinquished his firearm and turned in his department issued identification and badges. He was further informed that the University would begin an administrative investigation into the matter during which time he was instructed to "refrain from visiting Division of Public Safety buildings and related offices or having contact with any of your co-workers or other personnel from Public Safety. Your visits to campus should be limited to public areas only. In addition, while on paid administrative leave, your access to university systems will be suspended." (supra). Lieutenant Matt Zadrowski was assigned to be the grievant's department liaison. The grievant was informed that he could speak with "co-workers in their role as union representative, or to the police lieutenant(s) assigned to complete further investigation." Lt. Gilbert and Lt. Cook were named as the Investigating Officers. (Supra). They found that he used the Genetec system as mentioned above. He also used the Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT) system to check to see if anyone had run his license plate. They checked out the location of the photographs and the particular dates and events the grievant referenced.

In another hand delivered letter pursuant to Article 2; Sec. 3 of the NP-5 CBA, and dated November 10, 2020, Chief Fournier informed the Grievant of the time frame and nature of the charges. The dates in question range from September 2019 to October 2020 with incidents occurring at "multiple locations of the UConn Police Department." The incident summary included "Stalking, including electronic Stalking, Computer Crimes, and Harassment." (Supra)

On November 10, 2020 Keith Hood, Director, Office of Faculty and Staff Labor Relations at UConn, sent another email to Ron Scussel at CPFU, "copies of documents placing UConn Police

Officer Peter Zavickas on paid administrative leave pending investigation” on the information received. (supra). On November 18, 2020 Mr. Hood sent an email to Union Representative Steve Cox attaching documents “for Officer Zavickas.”

On January 29, 2021 in the chain of emails mentioned above, Mr. Hood wrote to Mr. Cox to inform him that “the investigation of Police Officer Peter Zavickas will be extended beyond 60 days.” (supra). He cited the following provision in support of this delay: 25150-Investigation Complaints.

On October 7, 2021 Chief Fournier emailed a letter to the Grievant that the Internal Administrative investigation (AI) was ongoing while he was on administrative leave. He was notified that the Department would be seeking an interview with the grievant and that he was reminded of the restrictions cited in the November 10, 2020 letters.

On February 9, 2022 and on February 14, 2022 [REDACTED] and Rhynhart, respectively, initiated complaints with OIE alleging stalking by the grievant. Attorney Sarah Chipman, Director of Investigations and Deputy Title IX Coordinator, investigated the complaint of stalking in which they alleged that they feared for their safety. She interviewed Rhynhart and [REDACTED] (Jt. Ex. #10 and #11).

She testified that they both expressed fear for their safety and, after those interviews she found that “the conduct included, essentially, surveillance and following of [REDACTED] and Rhynhart.” (Day #3, p. 64). She could not recall if they expressed fear when interviewed in 2020. When asked if anyone told the grievant to stop his activities, she replied “We were receiving information. We weren’t advising him on how to proceed.... No, we wouldn’t have advised that.” She testified that she was not aware of the “no confidence” movement to remove Chief Rhynhart. She further testified that “I don’t believe the police investigated whether there was an amorous relationship.” (Day #3, p. 97) She also interviewed the grievant and his wife.

On March 16, 2022 Fournier informed the Grievant that his date of interview was set for Tuesday, March 29, 2022 with Lt. Gilbert and Attorney Alison Cutler.

On April 22, 2022 Ms. Chipman, Department of Internal Affairs, submitted her report (Jt. #9)) based on the investigation done by Lieutenant Gilbert. <sup>1</sup> Included in the report are Rhynhart

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<sup>1</sup> At the time of the investigation Justin Gilbert was a lieutenant and later promoted to captain.

and [REDACTED] interviews and sworn statements. She also interviewed the grievant and his wife. Chipman concludes that Officer Zavickas engaged in conduct that violated University policies. She cited the policy against Discrimination, Harassment and Related Interpersonal Violence. Her findings were referred to Management and Human Resources. Her report includes all the criminal charges pending at the time in state court. As stated in footnote 1 above those criminal charges were all dismissed later. In her report she refers to the various anonymous letters and victim statements from [REDACTED] and Rhynhart. She references details of the grievant's observations and photographs of their cars in several off-campus parking locations. She records the letters sent, the dates and to whom. She found that the grievant is responsible for a pattern of misconduct, that he inappropriately used the University Genetec camera system and that his actions caused "a significant impact not only to [REDACTED] Rhynhart and their families, but also the entire Division of University Safety and the UConn community as a whole." She also found that there was a "significant abuse of state time, equipment and access to resources..." She testified that an OIE investigation depends on the information that is provided to it. It does not do any investigation to verify that information or to analyze it to determine if it is correct.

Chipman reports that the grievant told her that "he did not seek this information but became aware of it through 'shop talk.'" In a footnote Chipman wrote that "the information concerning an alleged inappropriate amorous relationship was already reviewed in OIE's prior matter and the information did not support finding such a relationship existed. The information Officer Savickas provided in the present matter does not require reopening the prior finding but has been noted in OIE's records." (ibid at p. 5). Mrs. Zavickas is reported to have said that "she was not personally involved in monitoring or tracking...."

On July 26, 2022 Gilbert submitted the UConn Police Department Internal Affairs Investigation report. (St. Ex. #1) He references the criminal charges (later dismissed) as well as the anonymous letters, victim statements, Genetec usage, dates and locations of the various photographs and text messages. His findings included "a pattern of misconduct which violated UCPD Department policies". He found that "on at least six occasions, P. Zavickas participated in physical stalking behaviors, which included on one occasion, he lay in wait for [REDACTED] to drive by the Bank of America on Discovery Drive and subsequently watched/followed her for miles off

campus.... P. Zavickas was found to have written and distributed a letter containing disparaging and harassing remarks alleging an inappropriate relationship between [REDACTED] and Rhynhart.... P. Zavickas' conduct was inappropriate and not related to official University business." (ibid p. 13)

On August 30, 2022 and September 6, 2022 the grievant was informed at pre-disciplinary conferences of the findings and the charges against him. On September 12, 2022 Fournier wrote a letter to the grievant informing him that he would be terminated at the close of business on September 26, 2022. Fournier cited the IA findings and the OIE Report. The Union filed a grievance on his behalf on September 13, 2022. The grievance was denied at Step 2. The arbitration hearing were held on six (6) days between February and July 2023. Both parties filed briefs as well as reply briefs as of September 22, 2023.

#### **ARGUMENTS OF THE PARTIES.**

##### The State

The State argued that the grievant engaged in a pattern of stalking that targeted two University employees over a period from September 2019 to October 2022. (State Brief, p. 17). On multiple occasions the grievant along with his wife followed both Chief Rhynhart and Ms. [REDACTED]. They followed her to her bank, to various commuter parking lots and to social events. In addition, the grievant took photos and videos of her activities. The grievant was observed on the University camera system following [REDACTED] as she left the Storrs campus.

In addition to following both Rhynhart and [REDACTED], the grievant "electronically surveilled and stalked them." (SB p. 19). The grievant testified that he was "monitoring for an inappropriate relationship." (supra)

The grievant was found to be logged into the University camera system for 986 hours with only 41 minutes reviewing Avery Point, the campus where he was assigned. The evidence shows that the grievant watched an average of 632 video clips in 122 days. This was clearly not a de minimus amount of monitoring time.

In addition the grievant looked up the home addresses of both Rhynhart and [REDACTED] and then drove by their houses "out of curiosity." (ibid, p 20). They live 40 and 16 miles, respectively, from the grievant's home.

While the grievant testified at the hearing that he could not prove that Rhynhart and [REDACTED] were having an inappropriate relationship, he sent the original anonymous letter to the Chief's wife. He testified that he sent the letter to her "to make her aware of the situation and maybe she would pressure the university to look into this matter further." (ibid, p 21)

The Chief testified that the letter was sent to his home and addressed to his wife. His son opened the letter and "he was scared, concerned." (supra). The Chief testified that he "did not know the motivation of these letters that were being sent to different people and the continuing stalking of me was extremely concerning." (supra)

The actions of the grievant have had a significant impact on both Rhynhart and [REDACTED] and that impact continues.

The State also argues that the grievant misused University equipment and time while on duty and to engage in the stalking of his victims. (ibid, p 23). The grievant testified that he accessed the camera system while he was on duty to look into an ethics and policy violation. The State argued that the grievant had no excuse to use the COLLECT system as he had no pending investigations related to his job. He testified that he used it to be sure it was working. However, the practice is not to run a real license plate; rather the practice is to use something like 123TEST. The State stated that it believed the grievant was running his plate to see if anyone was "onto him or had suspected him" of being at the commuter lot where Rhynhart and [REDACTED] were.

The grievant used University equipment to "engage in activities not related to his official duties and based on unsubstantiated rumors." (ibid p. 25). The University Guide to State Code of Ethics provides that "Employees are prohibited from using state time...for personal, non-state related purposes." (Jt. 5). The State argued that his misuse of the equipment was a serious violation of this policy. Not only did he misuse, he did it to stalk the victims.

The State argued that the University acted objectively in its investigation of the grievant. At the time the review commenced, the reviewers did not know where the letters came from or who had written them. Chief Rhynhart was not involved in the review as it involved him

personally. The reviewers, Lt. Gilbert and Lt. Cook are well respected with exemplary careers with the police. Deputy Chief Fournier oversaw the IA investigation.

The second OIE investigation was done by Sarah Chipman, an attorney and the director of investigations and Title IX Coordinator with OIE. Hers is a neutral office that reports directly to the President of the University. She found that "Officer Zavickas engaged in conduct that violated the University's Policy Against Discrimination, Harassment and Related Interpersonal Violence." (ibid p. 27). Her findings were referred to HR.

The State also argued that the Union completely ignores the vast experience and service that Gilbert and Zabrowski have provided the University and the State when it alleges that their promotions were their reward for their part in this investigation.

The State argued that the grievant did not have a legitimate reason or authority to conduct his investigation. The language of SOP, 20140 requires that a report be made only if "an employee of the Department (is) known to be guilty of a violation of any rule, regulation..." The grievant can to this day not provide any proof that Rhyhart and [REDACTED] had an amorous affair. There is no credible evidence that the grievant would have faced discipline for not reporting something that he did not know. Also, the State argued he is not obligated to investigate rumors under the SOPs.

The State argued also that the reporting requirement does not apply to police officers who are not supervisors. One of the Union's own witnesses testified that officers are required to report complaints but not rumors. The State challenged the Union's assertion that Attorney Lindauer, the OIE investigator, "deputized" the grievant to do an investigation. Her request to the grievant "to share any other information that you believe could be helpful to OIE in its investigation" does not in any way suggest, as the Union argues, that the grievant should go out and investigate. She had no idea what he was doing at the time of the first OIE investigation. It was not until the spring of 2022 when she knew the grievant's identity and learned of his activities, that OIE found the grievant in violation of stalking and complicity.

The State quoted the grievant's testimony where he said that "For the most part I was really kind of upset at OIE. Once they received my complaint, they closed it. There was no change..." (supra p. 32). The State argued that the grievant came to his conclusions without

knowing anything about the OIE investigation and without seeing its report until February 2022 when he placed a Freedom Of Information (FOI) request.

By his own admission the grievant was operating as a private citizen and not as a police officer. He is prohibited by statute (C.G.S.A §29-153) to operate in the capacity as a private investigator without a license. Furthermore, the State argues, he is not required under the SOPs to report rumors and was not tasked by OIE to investigate.

The State argued that the only reasonable outcome of the grievant's actions was termination. The grievant engaged in a classic case of stalking and harassing. The public is aware of these activities as they were widely covered in the press. There has been serious impact on the children of Rynhart and [REDACTED]. It would be against public policy to return the grievant back in a position with police power.

Finally, the State argued that all the evidence used to support the termination of the grievant is properly before the Arbitrator and must be examined in this proceeding. This argument is in reference to the erasure of the state criminal charges related to the allegations involved in this grievance that the State's Attorney lodged and then dropped against the grievant.

In conclusion, the State argued that this is a case of a seasoned officer who committed a litany of serious offenses. He stalked two University employees causing fear and emotional distress. Much of the grievant's activities were conducted while he was on duty collecting pay and with the use of University equipment. He has shown no remorse. The State has shown that UConn had just cause to terminate the grievant.

The State asks that the grievance be denied.

#### The Union.

The Union's fundamental argument is that the grievant did nothing more than act in accordance with Police Standard Operating Procedures (SOP) 20140 when he reported on "what he saw, and what he was able to document" concerning an alleged improper relationship between Police Chief Rynhart and Ms. [REDACTED] a subordinate employee. The policy is clear and the grievant was fulfilling his responsibility under it. He knew he had to produce some evidence before making the allegations. He did that and handed over the information to OIE when the task became "onerous, or threatened to become too invasive." (Union Brief p 32). He reported his

concerns to the Office of Institutional Equity (OIE) as required and did so anonymously as permitted. He anticipated that a full investigation would result.

Yet, four years after the grievant disclosed his findings to OIE, “there is not a scintilla of evidence that **anyone else**, particularly the Police Department, **ever** paid any attention to the allegations, and/or Zavickas’ concerns.” (ibid p. 15)

There were rampant rumors of an alleged affair and there was tension among members of the University police force. And yet nothing was done to address these issues; instead the University went after the grievant. The initial OIE investigation was superficial. The Union asserts that, of course, the two alleged victims would deny for several reasons an inappropriate relationship. OIE, however, went no further than to speak with Deputy Chief Fournier who is a long time member of the Chief’s inner circle.

The Union argued that there is not any evidence that the grievant bore any ill-will toward the Chief and/or Ms. [REDACTED], and the allegation that the grievant was stalking them is misplaced as there is not any evidence of predatory behavior, a critical element of such a charge. The “purpose of stalking is to threaten, cause fear, cause emotional distress or harass the targeted victims.” (ibid, p 7) And yet, “the record reflects that the grievant never made contact with the alleged victims, and the alleged victims gave statements that corroborated that they were never aware of any such investigatory behavior, until long after that conduct was concluded, and they were informed by the University.” (supra). Only at the hearing did [REDACTED] claim that she was aware of the grievant following her; she never told that to Captain Gilbert or Zadrowski during their earlier investigations. The claim that the grievant was following [REDACTED] from an event when there was only one road in and out makes no sense. Everyone would be following someone. The Union argued that neither of the alleged victims was aware of any of the grievant’s actions. When he believed he had sufficient evidence, the grievant filed a Report with OIE, “in anticipation of its further investigation.” (ibid, p. 11)

Within approximately two weeks of receiving the allegations, the OIE issued its report. It conducted interviews with the alleged victims and Deputy Chief of Police Andrew Fournier. They denied an inappropriate relationship, and Mr. Fournier stated that he saw nothing but a

professional relationship between the two. The Union notes that the OIE never concluded that the grievant's actions constituted stalking or were in any way illegal.

With respect to the charge of stalking, the criteria under the UConn policy are:

1. To create fear or emotional distress and,
2. For no other purpose than to threaten or cause fear
3. In other words, predatory behavior.

The allegation of stalking was an attempt to take the attention off of the alleged victims and place it on the grievant. All the State has done is to allege stalking without any concrete evidence to back up its charges. It was not until the OIE investigation that Rhynhart even knew that he was the target of an investigation. The grievant always acted discretely; there was nothing that involved stalking. The Union makes it clear that it is making no allegations against [REDACTED]. It does argue that the State provide no evidence to support [REDACTED] testimony alleging that the grievant was responsible for her husband's death and her son's struggle with mental illness. The State stated that on cross examination [REDACTED] admitted that she never provided any corroborating medical documentation.

In addition, while the State went after the grievant it also sought out those who wrote the letter of No Confidence which raised similar questions to those in the grievant's anonymous letter. The State was more interested in those who sent the letter than in looking into the issues raised in the letter.

The Union argued that by the time the alleged victims learned they were being investigated the investigation was over. They were unaware and they were never threatened, harassed or intimidated.

The Union posed several unanswered questions among which are the following:(ibid, P 31)

- Why was [REDACTED] working on-site when virtually the entire campus was shut down?
- Why were the alleged victims meeting in out of the way commuter parking lots?
- Why was [REDACTED] bringing alcohol to her supervisor?
- Why did they meet at commuter lots not on either of their ways home?
- Why did Chief Rhynhart issue a policy that opted certain employees out of Vehicle Monitoring System, a GPS monitoring system that could verify the alleged victims' movement?

The Union argued that none of these questions was answered by the University investigation. Further, the Union argued that the State failed to call either spouse to take statements from them.

The Union argued that the grievant did his job and it was OIE's responsibility to act upon the information he provided. It was OIE's responsibility, the Union argued, to inform Chief Rhynhart that the "existence of reports of questionable behavior was sufficient to suggest a warning that he should desist from ongoing similar questionable behavior. Instead all they did was provide him with just enough information to ensure that his trustworthy police officers could easily unearth the identity of the reporter."

The Union argued that a "Reporter" leaves much to the process. There is an "expectation of good faith investigation and protection from personal blowback." (ibid p. 33) The grievant was interested only in finding evidence "that would prove the allegations or exculpate his suspects completely." (ibid p. 34). It was the No Confidence letter that moved the matter to a new level. Of course, the Union argued, both could have "simply dropped the entire matter before accusations were formally issued." To have taken that course would have been a clear violation of the unambiguous provisions of OIE and SOP materials. By punishing the grievant, the State is frustrating the role of a whistleblower.

The Union cited the Daugherty Rule for the seven tests for determining Just Cause.

- Fair Notice – there are rules that mandate that the grievant do what he did that the State now claims have been abusive.
- Prior Enforcement – there had been no enforcement of any rules for the use of Genetec or Collect
- Due Process – the grievant was not given an opportunity to rebut accusations before the imposition of discipline
- Substantial Evidence – there were only alleged rumors related to the grievant
- Equal Treatment – the grievant reported alleged rule violations by Rhynhart; none was investigated.
- Progressive Treatment – Was there an opportunity for remediation?
- Mitigating and Extenuating Circumstances -- requires that the remedy be proportional to the offense, considering mitigating and extenuating circumstances.  
(ibid p. 38)

Generally, the Union argued that there are rules and a SOP where those who speak truth to power are protected. They should have no fear of reprisals if they report cases of wrongdoing as required by management-created SOP. "The SOP is silent on the potential complainant's authority to develop, compile, investigate or authenticate the operative belief of the existence of said violation or the means by which supportive evidence is to be accumulated." (ibid p 43) The Union states that there should be "no frivolous or politically motivated charges unless and until there is some compelling supportive evidence of wrongdoing." (supra)

The State must always protect the Reporter who is compelled by the SOP to report violations. In this case the grievant was asked by Attorney Lindauer to provide any additional evidence that he had; she never suggested that any of his activities including taking photographs was illegal. The grievant had to do some investigating in order to report anything to OIE. The grievant came forward to make his report to OIE with the reasonable understanding that an investigation would follow. No one ever cautioned him to curtail his inquiries.

Rhynhart knew about the No Confidence Movement against him yet testified that he had no idea of any personal animosity against him. The Police Department went after those who wrote the anonymous letters rather than investigate the allegations contained within them. The Union further argued that the alleged victims made no claim in 2020 that they were fearful and upset. Such an assertion was not in the OIE report. That claim was not made until they were cross-examined. And yet "it is impossible for UConn, OLR or the parties to assess how much of their discomfort was caused by the accused employees' indiscretion, the power of the 'Movement' allegations, or by the Grievant's documentary evidence." (ibid p 50)

The Union pointed out that those who did the investigation were part of the inner circle of the UCPOA who owe their professional progress, in part, to Chief Rhynhart. The charges were flipped against the grievant. He was not a supporter of the UCPOA where Rhynhart served as president, and Fournier, a former executive officer of UCPOA, chose the two who led the investigation of the grievant. The Union argued that the alleged offender, Rhynhart, was never subjected to the kind of investigation undertaken for the grievant. The Union argued that the message was clear. "No one messes with Rhynhart." (ibid p 17).

Mr. Gilbert testified that the UCPOA is no longer active. The State offered no explanation for why this is the case. The Union argued that there was no longer a need inasmuch as the "entire command structure of the Department has been co-opted by its leadership." (ibid p, 18). The Union argued that the goal of the UCPOA was to take over top management of the Department which was achieved when Rhynhart became chief.

In sum, Rhynhart believed that he was protected as the long term president of the UConn Police Officers Association (UCPOA), "an organization that long held itself out as the elected alternative to the legally protected activities of the certified, recognized CPFU." (ibid p 2) The grievant could not report any of concerns to other police officers in the chain of command because they were all part of the UCPOA and "beholden to Chief Rhynhart." (ibid, p. 6)

All the testimony and evidence show that the grievant was not the least bit evasive and admitted to all his actions as outline in his complaint to OIE. His investigation was proper and never involved stalking.

The grievant was an exemplary officer and role model for over eighteen (18) years at UConn. There is nothing to suggest that "the grievant's concerns were anything other than entirely legitimate, and his investigatory behavior, while arguable minimally invasive, were essential and appropriate to discharge his responsibilities under the Honor Code found in Union Exhibit #1." (ibid p 53)

All the criminal charges against the grievant were entirely dismissed.

The allegations that the grievant misused University resources are unsupported. The Union challenges the implied charge that the grievant was "cyberstalking" with "the repeated use of electronic communications to harass or frighten someone, for example, by sending threatening emails.... He did not harass, and he did not seek to frighten. (ibid p. 58) When he viewed video recordings he was looking at "public behaviors in public places." (UB p. 61). His examination of the video was done after the actions and not in real time. There is no explicit policy that prohibits access to the University's Genetec video camera coverage, and all employees are fully aware that many of their actions are being recorded and subject to review. The University falsely charged the grievant with watching hundreds of hours of video when their own witness, Captain Gilbert, testified that the hours cited were hours that the video was on in an office but it does not mean

that anyone was watching it in real time or at all. Had he spent this time to the detriment of his job, it would have been reflected in his Annual Review. It was not. In addition all of this was happening in the early months of COVID and the Avery Campus as well as all the campuses were far less busy than normal. The fact that the grievant monitored the Storrs Campus was not unusual. According to two Union witnesses it was monitored from other campuses as well.

There is no prohibition against using, for instance, the COLLECT system to access one's own records; the only limitation is on prohibited dissemination of information. The grievant accessed the COLLECT system to view his own records. He violated no rules.

The Genetec system was used against the grievant but never to investigate Rhyhart. OIE never investigated beyond asking the two alleged victims if the rumors were true. OIE gave no value to the allegations and findings provided by the grievant.

When the grievant reported to OIE, he believed that Attorney Lindauer encouraged him to send any further information that he might have, and he believed that his action, "for the benefit of the University... was protected." (ibid p 11)

The grievant had an entirely legitimate reason for his inquiry. He was, by its very definition, a whistleblower as soon as he contacted OIE. The Union argued that fear of retaliation was silence dissent allowing inappropriate and/or illegal behavior to continue. A whistleblower must be able to report without fear of retaliation. In this case UConn failed in both responsibilities.

The grievant was caught between a rock and a hard place. He could fail to act on his duty to report a policy violation or he could report it and face reprisals. The grievant did not act for his own benefit, a common reason for stalking. He was acting upon the mandate to report improper behavior.

The Union argued that Chief Fournier was predisposed against the grievant and a presumption that his boss was innocent. There was no objectivity in the investigation of the grievant's report.

In sum, the Union argued that the State has made "harsh and compelling accusations against the grievant but there is little persuasive, overt evidence of wrongdoing (by the Grievant) in the State's case." (ibid p. 71). The time the grievant spent with in video was grossly

exaggerated. It was not until arbitration that it came out through Capt. Gilbert that “the facts on which they relied were ... potentially fallacious...or, willfully ignored.” (ibid p. 73). There was no evidence that any of the University investigators conducted an in depth inquiry into the Grievant’s allegations of wrongdoing. The University failed to fulfill its responsibilities to the investigatory process and to the grievant.

The grievant has no prior discipline. No one has criticized his work ethic, reliability, integrity or commitment to the University community in his performance evaluations.

The Union asks that the grievance be sustained.

#### **DISCUSSION and AWARD.**

The issue presented by this case is whether the grievant, Peter Zavickas, was terminated for just cause. Following two pre-disciplinary conferences, Interim Chief of Police Andrew Fournier wrote a termination letter dated September 12, 2022 to the grievant in which he listed the findings in the Internal Affairs report issued July 26, 2022. He wrote that IA found that the grievant had violated numerous Department policies, including use of department equipment, writing letters and stalking, in the course of its investigation. The letter also cited Attorney Sarah Chipman’s OIE findings obtained through interviews in February and March 2022. He wrote that OIE found that the grievant “engaged in 1) stalking through viewing and monitoring the two University employees’ movements on campus and by traveling to specific locations with the intent to observe them or their vehicles; and 2) complicity because your and another University employee’s<sup>2</sup> joint course of action (that included monitoring by camera, traveling to observe and intent to detail and disseminate by letter those observations to University officials) and conduct was undertaken with full awareness and participation.” Ms. Chipman’s investigation involved interviews with Rhynhart and [REDACTED] the grievant and his wife, Tammi.

The conclusion in the termination letter was that the grievant violated a full range of policies and practices outlined and argued in the above pages.

The background of this matter starts in 2019 well before the 2022 Police Department Internal Affairs or Ms. Chipman (OIE) embarked on their investigations that led to the grievant’s

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<sup>2</sup> Tammi Zavickas. Her last day of University employment was June 30, 2022.

termination. On May 29, 2020 when the grievant filed his anonymous report with Ms. Lindauer at OIE, he anticipated that an investigation would take place, an investigation not of him but of an alleged inappropriate relationship between Chief Rynhart and Human Resources Consultant [REDACTED] he would be protected as a whistleblower. Ms. Lindauer exchanged communications with the anonymous reporter/grievant and asked him to share any further information that he had which he did.

From the start there were many facts that arose around the edges of this grievance that were not fully explored at the time of the various investigations. Some resulted in conflicting and/or unclear statements. Others were cursory investigations and poor communications. Still others were blatant violations of policy and civility. There were misunderstandings and frustrations on all sides. Much of this emerged during the testimony of the witnesses during six days of hearing.

When the grievant filed an anonymous report on the ALERTLINE SYSTEM with the Office of Institutional Equity on May 29, 2020, there was no push back from OIE. The report was acknowledged, and Attorney Lindauer wrote to the (anonymous) grievant "if there is additional information, including documents or other evidence, that you can provide, please send it to me directly at your earliest convenience." After listening to testimony and reading various documents, a first step in this process might have been to determine one way or the other whether Rynhart was [REDACTED] supervisor. In the course of the grievance procedure there was testimony that suggested that he was not her supervisor. According to the OIE report Rynhart, himself, stated that "Ms. [REDACTED] reported to Renee Boggis, Director Human Resources Leadership and Effectiveness." This statement could imply or was, perhaps, a subtle suggestion that Rynhart did not consider himself to be [REDACTED] supervisor. The record of his OIE statement further says that he "along with the other managers in the Division provided Ms. [REDACTED] with direction in her day-to-day tasks." (OIE Report, p. 3). The exact working relationship between Rynhart and [REDACTED] was a fact never established definitively in this process. It could have been awkward, for course, for Rynhart to make a vigorous argument that he was not [REDACTED] supervisor. It was mentioned more than once that most of the issues here occurred during the height of Covid. There were few students on campus, and in the UConn Police

Department all non-police were asked to work from home. Yet, [REDACTED] regularly reported to her Human Resources office located adjacent to Rhynhart's office. When asked if it would violate UConn rules if Rhynhart and [REDACTED] were having an affair, Gilbert, who co-headed the IA investigation with Darren Cook, testified that "I don't believe so because they work for two different departments." (Day #2, p 49)

The OIE process moved forward, nonetheless, under the apparent assumption that Rhynhart was [REDACTED] supervisor. Lindauer conducted the first OIE investigation in early June 2020 where she "interviewed the parties and witnesses..." (Jt. 14). This means that she interviewed Rhynhart and [REDACTED] and actually only one witness, Deputy Chief Fournier, a long-time friend and colleague of Rhynhart who was also Fournier's boss. Fournier testified that he and Rhynhart did not discuss the ongoing investigation with each other.

There was no evidence that Lindauer pressed Rhynhart and/or [REDACTED] on the several allegations and specific observations in the grievant's report to her. She did not interview any police officers despite the fact that the grievant claimed the rumor to be believed by many. When the three interviews were concluded Lindauer sent her notes to the interviewees for their comments and edits as was apparently common practice. On June 18, 2020 she sent her final report to Chief Hans Rhynhart and three senior University officials. She concluded that "there is not information to conclude that they were engaged in an amorous relationship in violation of the *Policy Against Discrimination*." One would not expect any of the three interviewed to provide information to sustain Zavickas' allegations.

In her report Lindauer does not refer to Rhynhart as [REDACTED] supervisor. Rather, she writes that "(s)he [REDACTED] continued to report to the Department of Human Resources but received direction on daily duties from Chief Rhynhart." (OIE report, p 4). Rhynhart said that [REDACTED] "helped institute changes within the Division, including addressing behaviors of employees that were contrary to Division expectations, which had not ingratiated her amongst employees." (ibid, p 3). [REDACTED] is said to have reported that "she was aware there were people within the Department who 'do not appreciate' her or the work she was doing." (supra) No evidence was presented to support [REDACTED] allegations. Fournier never directly asked them if they were having an affair; he testified that "I believe that they've never had an affair." He

further testified that if there were an inappropriate relationship between them "it would not be relevant to police business." (Day #3, p, 135 & 140). While it may not have been relevant to the business of policing, it was according to Police Department Policy relevant to the Police Department. Such a statement conveys a message contrary to those incorporated into Police Department policies that the parties have cited. According to Gilbert most of the investigating done by the grievant was, nevertheless, done on his own time.


Lindauer concluded that the fact that Rhyhart and [REDACTED] "met at a commuter lot on one occasion, without additional information, does not support that they were in an amorous relationship." (OIE, p. 6). In his anonymous report the grievant mentions a commuter lot, but also refers to additional information. He mentions a general belief among the Department personnel that the affair allegation was true and refers to video observations. In addition he had some photos of their cars. The OIE makes no mention of examining any video or photographs in its investigation or exploring further witnesses outside of Rhyhart's loyal inner circle. Lindauer was not called to testify at the arbitration hearing, a fact that leaves a number of critical questions unanswered. I find that this investigation was less than thorough and that her absence was noteworthy and unfortunate.

When the OIE report was finished a copy was sent to Rhyhart as the *Respondent*. Nothing was sent to the grievant. Such reports are sent only to respondents and complainants. Technically the grievant was not the complainant; he was merely a reporter with no right to see the report. However, I find that he basically stood in the place of the complainant. There is no third party complainant to whom OIE could send the report. The grievant made assumptions about the OIE report believing that nothing was being done inasmuch as he had no report, and he could see no change in behavior after the report. Zavickas does not believe, unlike Fournier, that "they've never had an affair."

In August the situation then took a sharp turn toward an escalation of allegations and investigations. The grievant's dissatisfaction led him to undertake inappropriate actions that led the Department first to place him on paid administrative leave and then to terminate him. On August 26, 2020 he sent an anonymous letter outlining the allegations along with photographs to UConn branch location police departments. Earlier, on August 22, 2020, another anonymous

letter, the so-called No Confidence Letter directed at Rhyhart, which has no alleged connection to the grievant, was widely distributed at the University.

Fournier testified that he had not been aware of the No Confidence letter. There was no explanation why he would not have seen it. Rhyhart also testified, initially, that he had not seen the letter. When pressed, however, on cross-examination he acknowledged that he was aware of it.

These letters caused stepped up interest in determining the identity of the anonymous letter writer, and whether he/she was the same person who reported to OIE. There was no evidence that there was ever an investigation into the No Confidence letter. Gilbert acknowledged under cross examination that there was dissatisfaction with Rhyhart among some officers. Gilbert, Gigliotti, Zadrowski and Cook led the Internal Administrative (IA) review. Once they determined that the anonymous August 26<sup>th</sup> letter writer was Zavickas, they reviewed his usage of the Genetec system which they found focused more on the Storrs campus than on Avery where the grievant worked. They found that between September 30, 2019 and October 21, 2020 he was logged into the system for 966 hours. When Gilbert testified he clarified that this only means that the camera was on which is not unusual, but it does necessarily mean that anyone is looking at it. They also reviewed the campus cameras which recorded the grievant's usage of the camera system to review the comings and goings of Rhyhart and . The grievant was not aware of this investigation at the time and did not know he had been identified as the anonymous letter writer/reporter.

At the end of October other anonymous letters were sent. The grievant claimed that he thought Rhyhart's wife could help, but his expanding dissemination of his anonymous letter and photos stepped way over a line when he sent them to her. The grievant was fully aware of the proper process for an anonymous report; he had already done it with OIE. He had taken the steps he believed were required under SOP 20140. Though he was not satisfied, it was not up to him to continue the investigation and certainly not up to him to involve Rhyhart's wife. The grievant also sent the letter and photos to the President of the University. It was the president who wrote in a letter earlier to all University employees that "any University employee who observes a

possible violation of law, regulation, policy or approved procedure has an obligation to report it...." (Jt. Ex. #5). This directive does not require a proven fact of a violation of the law.

Also at the end of October the matter was referred to the State's Attorney's Office. His office directed the criminal investigation to which Lt. Gugliotti and Lt. Zadrowski were assigned. They interviewed Rhynhart and [REDACTED]. On 11/2/20 Rhynhart said that in late August/early September (2020) he was "informed that P. Zavickas was stalking me by utilizing the UConn video camera system.... I have no idea why he was doing this, and the fear of the unknown is extremely concerning to me. When I found out he was doing this I was shocked, in utter disbelief.... I am concerned that others may be involved." (St. #1, p. 7). He could not recall who told him he was being stalked.

On 10/29/20 [REDACTED] says that thinking that their every move on campus is being watched on campus cameras "makes them feel physically sick.... I am suspicious of everyone even if they give me no reason to be." (ibid, P 6). Truth be told everyone is being watched on campus cameras. It is the knowledge that one is of particular interest that caused the concern. Only police officers have access, however, to the system; "everyone" does not.

Gugliotti informed them of the grievant's identity and other information so "that they would know what to look out for and so they knew the anonymous letter may be related to an identifiable person." (ibid p. 6). I find this curious language. What is meant by the comment that with the grievant's identity known "they would know what to look out for...?"

The IA investigation, led by Gilbert, focused exclusively on the grievant, the anonymous letter writer, and his use of the Genetec system; if they looked at what the grievant was looking at they apparently decided not to comment. There was no evidence presented that anyone had ever been disciplined for time spent on the Genetec system or for taking a photograph of someone's car.

In the Findings section of the IA report, the investigators used unnecessarily inflammatory language when it is written that Zavickas "lay in wait for [REDACTED]" at a Bank of America. It says that the grievant wrote letters with "disparaging and harassing remarks" alleging the inappropriate relationship. Those words imply a pending assault as well as intentional false accusations and constant verbal assaults. To "lay in wait" implies an act of aggressive or even an

assault that was never the grievant's intention. Whether his accusations were correct or not I find that the grievant believed that his allegations were true. There was no evidence that the grievant had any intent other than bringing to light a Policy violation. A vigorous early investigation could have resolved this. Gilbert acknowledged that part of the IA investigation left some issues unresolved. (Day 2, p. 39)

Zavickas was arrested on November 10, 2020 and he was placed on paid administrative leave pending the State's investigation. That was the end of his anonymity, his letters and his investigation of Rhynhart and [REDACTED]. Sometime between the hearing in February and the one April 2023 all the criminal charges against the grievant were dismissed.

In February 2022 Rhynhart and [REDACTED] filed their own complaint with OIE alleging stalking because of the anonymous letters in 2020 and their awareness that someone was watching them. Sarah Chipman undertook the investigation. While Chipman's OIE investigation found various violations including stalking, she testified that the grievant's "conduct included, essentially, surveillance and following of [REDACTED] and Rhynhart." (Day #3 p. 64) She testified she was not aware of the No Confidence letter and stated that it is not her job to investigate; rather she relies on what is reported to her. She further testified that she does not believe that the police investigated whether there was an amorous relationship. That was my office's investigation." (ibid p. 97). From her perspective it was up to OIE to make a determination about the relationship between Rhynhart and [REDACTED]. I find that this investigation, like the first OIE investigation, lacked vigor or interest in addressing any of the grievant's anonymous allegations.

By November 2020 all attention was on the grievant. He acknowledged the letters he sent, the video he watched and the times he followed Rhynhart and [REDACTED]. While he embarked on an investigation inappropriately, I do not find that his purpose was to "threaten, or cause fear to another individual." His words were not threatening. His allegations would not be welcomed by anyone if they were having an affair that they wished to keep private. He had nothing to gain. It seems quite clear that he believed strongly that Rhynhart and [REDACTED] were involved in an inappropriate relationship, and he wanted it to stop. Whatever the truth it was never established. Gilbert acknowledged in his testimony that fear could come from being discovered and not necessarily from being watched by the grievant. This is not to underestimate some level of fear

but in June 2020 before there were any letters, Rhynhart and [REDACTED] knew that the complaint had come through the UConn system; it was not some random person lurking. If nothing else they had been warned that their patterns had raised some questions.

If the grievant's belief could be validated and the parties could agree that Rhynhart was [REDACTED] rvisor, his perspective would be vindicated. Yet, these issues were never confirmed conclusively one way or the other. This does mean, however, that the grievant's letters were appropriate. They were not. There was a legitimate reason to determine who was writing them. The letters led not only to identifying the grievant, but it also led to a vigorous investigation of his other activities. Unfortunately, there was not such an interest in pursuing the original, properly submitted report to OIE back in May 2020.

None of the above findings intends to diminish the anxiety felt by Rhynhart and [REDACTED]. It is entirely predictable that they would be upset either from a false accusation or by the exposure of an inappropriate relationship. The evidence and testimony indicated that the grievant and others believed that there was in an inappropriate relationship between Rhynhart and [REDACTED]. Once the grievant filed the report with OIE it had an obligation to undertake an investigation that involved more than accepting their denial and Fournier's belief that there was no improper relationship. OIE interviewed no one else. [REDACTED] was not asked at the time why she came to work during COVID when other non-police personnel were told to work from home. They were not asked why they were meeting several times at off campus commuter lots. Considering the grievant's reported concerns, such a superficial investigation set the grievant up for continuing his activities, some of which were inexcusably out of line.

In the grievant's nineteen years with the UConn Police Department he has never received any discipline and his performance reviews were all satisfactory. In the relevant period of time, Zavickas' supervisor reported no issues with his performance. The overwhelming message at the hearing was that Zavickas was a good police officer and a friend to many. I find that a charge that the grievant was stalking Rhynhart and [REDACTED] is unsubstantiated. The letters did not suggest any threat of physical assault and the sole purpose was not "to threaten or cause fear to another individual." He testified that he was careful and stopped short of anything that could be considered stalking but that he had to do some investigation to justify his report to OIE. The



purpose was to uncover what the grievant believed was an amorous relationship that violated Police Department policy. Had there initially been a vigorous investigation much of this might have been avoided.

After a review of six days of hearing and two long briefs with vigorously argued positions from the parties, I find that there is reason to assess responsibility for these circumstances on both parties.

THEREFORE, I award as follows:

I find that the grievant, Peter Zavickas, was not terminated for just cause. His discipline shall be reduced to a time served suspension and he shall not be awarded back pay.

It is up to the parties to agree within a reasonable time period on the position to which he shall be returned.

Sarah Cannon Holden  
Sarah Cannon Holden