



UNIVERSITY OF MASSACHUSETTS
AMHERST

309 Whitmore Administration Building
181 Presidents Drive
Amherst, MA 01003-9313

RECEIVED
STATE ETHICS COMMISSION

2018 AUG -7 AM 11:01

Office of the General Counsel

voice: 413.545.2204

fax: 413.545.3138

[www.massachusetts.edu/
office_of_the_general_counsel](http://www.massachusetts.edu/office_of_the_general_counsel)

August 2, 2018

Legal Division
State Ethics Commission
One Ashburton Place
Boston, MA 02108

RE: Disclosure under M.G.L. Chapter 268A, Section 6

Dear Sir/Madam:

Pursuant to M.G.L. Chapter 268A, Section 6, I enclose the following documents for filing with the Ethics Commission as required under the statute:

1. Disclosure of Financial Interest form and Memorandum dated July 3, 2018, from Head Football Coach Mark Whipple to request permission to employ his son, Austin Whipple, as an Assistant Director of Football Operations for the UMASS Amherst Football Program.
2. My letter of determination dated August 2, 2018, which permits Head Football Coach Mark Whipple to employ his son, Austin Whipple, as an Assistant Director of Football Operations.

Very truly yours,

Kumble R. Subbaswamy
Chancellor

Enclosures

**DISCLOSURE BY NON-ELECTED STATE EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY**

AS REQUIRED BY G. L. c. 268A, § 6

RECEIVED
STATE ETHICS COMMISSION

	STATE EMPLOYEE INFORMATION	2018 AUG -7 AM 11:02
Name:	Mark Whipple	
Title or Position:	Head Football Coach	
State Agency:	University of Massachusetts Amherst	
Agency Address:	Football Performance Center 290 Stadium Drive Amherst, MA 01003-9397	
Office Phone:	413-545-2026	
Office E-mail:	mwhipple@umass.edu	
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.	
	PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. Service of my son, Austin Whipple, as an Assistant Director of Football Operations on my staff.	
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Directing his activities as an Assistant Director of Football Operations.	
	FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input type="checkbox"/> I have a financial interest in the matter. <input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.	

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. Salary as an Assistant Director of Football Operations is \$30,000/yr.
Employee signature:	<i>Maury Whipple</i>
Date:	<i>July 3, 2018</i>

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Kumble R. Subbaswamy
Title or Position:	Chancellor
Agency/Department:	University of Massachusetts Amherst
Agency Address:	374 Whitmore Administration Building 181 President's Drive Amherst, MA 01003-9313
Office Phone:	413-545-2211
Office E-mail	
	DETERMINATION
Determination by appointing authority: Write an X by your selection.	As appointing official, as required by G.L. c. 268A, §6, I have reviewed the particular matter and the financial interest identified above by a state employee. <input type="checkbox"/> I am assigning the particular matter to another employee, or <input type="checkbox"/> I am assuming responsibility for the particular matter, or <input checked="" type="checkbox"/> I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commonwealth may expect from the employee.
Appointing Authority signature:	<i>K R Subbaswamy</i>
Date:	<i>8/2/18</i>
Comment:	The above determination notwithstanding, I have assigned supervision and other employment related decisions regarding Spencer to another member of the coaching staff.

Attach additional pages if necessary.

File copy with:

State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108



MARK J. WHIPPLE

Head Coach

290 Stadium Drive
Amherst, MA 01003
413.545.2026 • Fax 413.545.4430

Dear Chancellor Kumble R. Subbaswamy,

July 3, 2018

Pursuant to the State Ethics laws, I am writing you this letter to inform you of my request to hire Austin Whipple as Football Operations assistant.

Austin is a 2017 graduate of the University of Massachusetts with a major in communications. He has worked as an offensive analyst with the football team, as a counselor for the football school, and during the football camp in June, Austin worked alongside Matt Schell as an assistant in football operations. While a student athlete at UMass, Austin earned All MAC Honor roll status. Austin traveled as a four-year student athlete at both Penn State University and at UMass. He is familiar with the logistics of arranging transportation, accommodations, meal service, and a myriad of other concerns for the football away traveling party of 150 people. He has travelled as a student athlete to Ohio State, Colorado, Tennessee, Syracuse and Hawaii, among others.

While working as a football analyst, Austin evaluated recruits, created spreadsheets and helped assistant coaches with the organization of 15 spring practices and the 2018 spring game. As assistant to the Director of operations during summer football camp, Austin collected camper's payments, coordinated living arrangements in the dorms and organized apparel for the campers. He also coordinated the final dorm checkout at the conclusion of the Mark Whipple school.

Austin is a dedicated worker and a loyal UMass alumnus. Austin is a man of integrity, passion, selflessness, and is the consummate team player. I am confident that he will work tirelessly in the position of assistant to the Operations Director, to whom he will report.

Sincerely,

A handwritten signature in black ink that reads 'Mark Whipple'. The signature is written in a cursive, flowing style.

Mark Whipple
Head Football Coach



UNIVERSITY OF MASSACHUSETTS
AMHERST

374 Whitmore Administration Building
181 Presidents Drive
Amherst, MA 01003-9313

OFFICE OF THE CHANCELLOR

voice: 413.545.2211
www.umass.edu

August 2, 2018

Mark Whipple
Head Football Coach
Football Office
University of Massachusetts Amherst
101 University Drive
Amherst, MA 01003

Dear Coach Whipple:

I acknowledge receipt of your July 3, 2018 Disclosure of Financial Interest form and Memorandum. You request permission to employ your son, Austin Whipple, as an Assistant Director of Football Operations at a salary of \$30,000.00.

You state that your son is a 2017 graduate of the University of Massachusetts with a major in communications, has worked as an offensive analyst with the football team, and has worked as a counselor for the football school. You state that during summer football camp, Austin worked as an assistant to Assistant Director of Football Operations, Matt Schell. You indicate that Austin worked as a football analyst evaluating recruits, creating spreadsheets, and helping assistant coaches with the organization of 15 spring practices and the 2018 spring game. You state that when he worked during summer football camp, he collected camper's payments, coordinated living arrangements in the dorms, and organized apparel for the campers. You further indicate that Austin traveled as a four-year student athlete at both Penn State University and at UMASS, where he earned All MAC honor roll status. Additionally, you describe that Austin is familiar with the logistics of arranging transportation, accommodations, meal service and a myriad of other concerns for the football away traveling party of 150 people.

Athletics Director Ryan Bamford states that all of the above are central components to the Assistant Director of Football Operations position, and states that Austin is uniquely qualified for the position based upon his extensive work and experience with the University football team to date. AD Bamford endorses your request. He also states that he intends to mitigate any potential conflict by placing Austin on a one-year personnel service agreement, which will receive review and approval by the Chancellor and President Meehan. The contract will outline all compensatory

aspects related to Austin, and will be consistent with compensation for the former Assistant Director of Football Operations, Matthew Schell. Finally, AD Bamford indicates that he will directly supervise Austin and will review and be responsible for approving any non-unit personnel benefits for which he may be eligible.


Massachusetts General Laws, Chapter 268A, Section 6, in part, prohibits a state employee from employing immediate family members and from compensating them for services rendered except when I "make a written determination that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commonwealth may expect from [. . . you], in which case it shall not be a violation for [. . . you] to participate in the particular matter." (M.G.L., Chapter 268A, Section 6.)

I determine that any personal interest you may have in this appointment is not so substantial as to be deemed likely to affect the integrity of your services to the Commonwealth and the Athletic Department.

My determination, which allows utilization of your son's services for one (1) year, must be reviewed and re-evaluated prior to any further appointment. Please submit your request to the Chancellor of the Amherst campus to make such a review and reevaluation by July 1, 2019, if you wish to retain Austin Whipple as an Assistant Director of Football Operations beyond August 1, 2019.

The statute requires you to advise the Ethics Commission of the nature and circumstances of the particular matter and make full disclosure of the financial interest. As directed by statute, I am sending a copy of this written determination letter along with your memorandum and disclosure form, to the State Ethics Commission for filing.

Sincerely,


Kumble R. Subbaswamy
Chancellor

Enclosures

cc: Allison Lepper, Associate Counsel
Kevin Wissmann, Assistant Athletic Director, HR Specialist