



UNIVERSITY OF MASSACHUSETTS
AMHERST

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

RECEIVED
STATE ETHICS COMMISSION
2019 FEB 11 AM 11:28

OFFICE OF THE CHANCELLOR

voice: 413.545.2211
fax: 413.545.2328
www.umass.edu

February 4, 2019

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 January 8, 2019, from Professor and Associate Dean for Research and Administration Catrine Tudor-Locke to request permission to continue to employ her husband, Gerald Locke, as an Exercise Test Technologist for her NIH funded R01 study, "Cadence – ADULTS".
2. My letter of determination, dated February 4, 2019, which permits Professor Tudor-Locke to continue to employ her husband, Gerald Locke, as an Exercise Test Technologist for her NIH funded R01 study, "Cadence – ADULTS".

Very truly yours,

Kumble R. Subbaswamy
Chancellor

Enclosures



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February 4, 2019

Catrine Tudor-Locke, PhD, FACSM, FNAK
Professor and Associate Dean for Research and Administration
School of Public Health and Health Sciences
Office of the Dean
Arnold House
University of Massachusetts Amherst
715 North Pleasant Street
Amherst, MA 01003-9258

Dear Professor Tudor-Locke:

I acknowledge receipt of your January 8, 2019 Disclosure of Financial Interest and Memorandum. You request permission to continue to employ your husband, Gerald Locke, as an Exercise Testing Technologist for your NIH R01 grant entitled "Cadence-ADULTS", at a salary of \$16,500.00, as a temporary part-time employee through August 31, 2019.

You state that you have experienced an unanticipated delay in testing due to (an ultimately successful) IRB review of your safety procedures, thus causing you to adjust and extend your anticipated recruitment and testing timeline from March 31, 2019 to August 31, 2019. Due to scheduling flexibility issues with local EKG technicians, who have the specific training and skills required, you are requesting permission to continue to employ your husband, Gerald Locke, as an Exercise Testing Technologist. You indicate that Mr. Locke is a Nuclear Medicine Technologist, who is currently employed per diem with two hospitals allowing him to be very flexible managing his own schedule, and is experienced in administering exercise stress tests, including conducting EKG and ambulatory blood pressure monitoring that are needed for this grant. Additionally, you indicate that to alleviate any concerns regarding the conflict of interest, Dr. Stuart Chipkin, who is the Department of Kinesiology's Medical Investigator, has agreed to continue to supervise and conduct Gerald Locke's performance reviews.

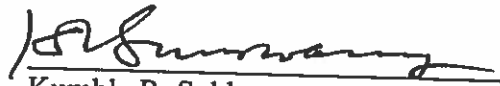
Massachusetts General Laws, Chapter 268A, Section 6, in part, prohibits a state employee from employing immediate family members and from compensating them for services rendered except when I "make a written determination that the interest is not so substantial as to be deemed likely to affect the integrity 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 Department of Kinesiology. You state that this position is temporary, specific only to this one R01 study, and will no longer be needed once testing is completed by August 31, 2019. This determination will allow you to utilize the services of your husband from April 1, 2019 through August 31, 2019.

The statute requires you to advise the Ethics Commission of the nature and circumstances of the particular matter 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,

A handwritten signature in black ink, appearing to read 'K. Subbaswamy', written over a horizontal line.

Kumble R. Subbaswamy
Chancellor

Enclosures

cc: Allison B. Lepper, Associate Counsel
John McCarthy, Provost



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AMHERST**

**Arnold House
715 North Pleasant Street
Amherst, MA 01003-9258**

**School of Public Health
and Health Sciences
Office of the Dean
Voice: 413.545.2526
Fax: 413.545.0501
www.umass.edu/sphhs**

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JAN 18 2019

CHANCELLOR'S OFFICE

January 8, 2019

Dear Chancellor Subbaswammy:

I am writing to request permission to extend the previously approved hire of my spouse, Mr. Gerald Locke, as an Exercise Testing Technologist specifically to support my current NIH R01 grant running in my Physical Activity and Health Lab in the Department of Kinesiology at the University of Massachusetts Amherst.

You previously approved his position last year with a termination date of March 31, 2019. This Fall we experienced an unanticipated delay in testing due related to an ultimately successful IRB review of our safety procedures. As a result, we have now had to adjust and extend our anticipated recruitment and testing timeline. At this time we expect to complete all human subject testing for this grant-funded project by August 31, 2019.

As indicated in my previous requests, the parent award grant (and now an associated diversity supplement) is funded specifically through the National Institute of Aging. The primary aim is to establish cadence (steps/min) thresholds in 21-85 year olds associated with objectively determined intensity as determined by indirect calorimetry. Participants walk on the treadmill at increasingly higher speeds during testing while we monitor cardiovascular response. We are currently testing of our oldest cohort (60-85 year olds), with intentions to complete data collection in by August 31, 2019. Also indicated previously, although overall low, risk with exercise testing does increase with age and we have increased monitoring procedures with this age group. We have a medical investigator (Dr. Stuart Chipkin, Research Professor, and Department of Kinesiology) who is also a Co-Investigator charged with conducting a physical examination prior to testing when indicated, but we also continue to be in need of an Exercise Testing Technologist with specific skills who also has sufficient personal scheduling flexibility to manage our naturally inconsistent testing schedule. The specific skills required include experience administering exercise stress tests, including conducting EKG and ambulatory blood pressure monitoring. We have found that that few local EKG technicians with such expertise are sufficiently flexible in their personal scheduling to support our needs.

My husband is a licensed Nuclear Medicine Technologist who is currently employed per diem with Cooley Dickenson in North Hampton and also Manchester Memorial Hospital in Manchester, Connecticut. A per diem schedule is "as needed," and he continues to be very flexible in managing his own schedule.

My husband's particular skill set is essential to fulfilling my research commitment in a timely and safe manner. To facilitate any conflict of interest, Dr. Stuart Chipkin has agreed to

continue supervising my husband, including conducting his performance reviews. This is appropriate; the Medical Investigator on my grant would naturally work most closely with the Exercise Testing Technologist. Although testing has been delayed as described above, this position is temporary, specific only to this study, and will no longer be needed once testing is completed by August 31, 2019. This position has no role in data management, analysis, or reporting of results. Rather, it is singularly focused on monitoring the health and welfare of the human subjects participating in the study.

I appreciate your consideration of this request which, if granted, will enable me to manage my grant's unique testing needs. Please do not hesitate to let me know if you have any questions.

Sincerely,



Catrine Tudor-Locke, PhD, FACSM, FNAK
Professor and Associate Dean for Research and Administration

I have read through the above disclosure regarding an exception hire for Dr. Tudor-Locke's spouse. He was previously approved up until March 31, 2019. Dr. Tudor-Locke is requesting permission to further extend his approved employment (funded on her NIH R01 grant) until August 31, 2019 and I support her decision:



Jane A. Kent, Professor and Chair of Department of Kinesiology




Nancy Cohen, Professor and Interim Dean of School of Public Health and Health Sciences


**DISCLOSURE BY NON-ELECTED STATE EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 6**

STATE EMPLOYEE INFORMATION	
Name:	Catrine Tudor-Locke
Title or Position:	Professor and Assoc. Dean for Research and Administration
State Agency:	Department of Kinesiology School of Public Health and Health Sciences UMass Amherst
Agency Address:	School of Public Health and Health Sciences University of Massachusetts Amherst Room 160A 30 Eastman Lane Amherst MA 01003-9258
Office Phone:	413-577-4702
Office E-mail:	ctudorlocke@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.	<p>Please describe the particular matter.</p> <p>I would like to continue to retain the services of my spouse, Mr. Gerald Locke, on a temporary, short-term basis on my current NIH funded R01 study entitled "Cadence-ADULTS." Mr. Locke possesses the requisite set of medical skills to support physician oversight by Dr. Stuart Chipkin, collaborating investigator on the project, for our data collection efforts using human subjects of varying age ranges. Medical oversight is prudent due to the increased risk of physical activity accruing to older cohort participants required for the study.</p> <p>His role on this project was previously approved to the end of March 2019, however, due to an unforeseen delay in scheduled related to an ultimately successful IRB review of our safety procedures, we have had to extend our anticipated recruitment and testing timeline to the end of August, 2019</p> <p>Despite the delay in the testing schedule, I still need a qualified Exercise Testing Technologist to monitor subjects' EKG, blood pressure and general well-being while walking on a treadmill as called for in the human subject protocol approved by the IRB. Because the study scheduling of human subjects necessarily means the person with the Exercise Testing Technologist role must be flexible as to hours and days of work, I am challenged to find the necessary mix of training, skills and availability. Mr. Locke, my spouse, can provide the needed services on a flexible basis according to study needs. He will continue to be supervised directly by Dr. Chipkin.</p> <p>We now anticipate all data collection for this grant-funded project will be completed by end of August 2019. I am requesting to extend Mr. Locke's role on the project until that time.</p>
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	<p>Please describe the task you are required to perform with respect to the particular matter.</p> <p>I am Principal Investigator on the study funded by NIH.</p>
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<p><input checked="" type="checkbox"/> I have a financial interest in the matter.</p> <p><input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter.</p>

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	<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	<p>Please explain the financial interest and include a dollar amount if you know it.</p> <p>The financial interest for my spouse stems from his employment by the University on a temporary, part-time basis. The estimated maximum compensation to be paid from my NIH R01 Cadence will be \$16,500 until the end of August 2019. This includes any compensation that he has received under the previous approval of this request.</p>
Employee signature:	
Date:	January 08/2019

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Kumble R. Subbaswamy
Title or Position:	Chancellor
Agency/Department:	Chancellor's Office
Agency Address:	374 Whitmore Administration Building University of Massachusetts - Amherst 181 Presidents Drive Amherst, MA 01003
Office Phone:	413-545-2211
Office E-mail	chancellor@umass.edu
	DETERMINATION
Determination by appointing authority: Write an X by your selection.	<p>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.</p> <p><input type="checkbox"/> I am assigning the particular matter to another employee, or</p> <p><input type="checkbox"/> I am assuming responsibility for the particular matter, or</p> <p><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.</p>
Appointing Authority signature:	
Date:	2/5/19
Comment:	